The Dissertation Committee for Lonnie Wayne Olson certifies that this is the approved version of the following dissertation:

Towards a More Ethical Military:

The Contribution of Aristotelian Virtue Theory to Military Ethics

Committee:

Paul Woodruff, Supervisor

Dan Bonevac

Jonathan Dancy

Kathleen Higgins

Robert Koons

Nancy Sherman

Towards a More Ethical Military:

The Contribution of Aristotelian Virtue Theory to Military Ethics

by

Lonnie Wayne Olson, B.S.; M.S.

Dissertation

Presented to the Faculty of the Graduate School of

The University of Texas at Austin

in Partial Fulfillment

of the Requirements

for the Degree of

Doctor of Philosophy

The University of Texas at Austin

August 2014

Dedication

To my wife, Kayo**.**

Acknowledgements

It goes without saying that this dissertation would not have been possible without the guidance and generosity of the members of my dissertation committee. My most sincere thanks go out to Kathleen Higgins, Jonathan Dancy, Nancy Sherman and Daniel Bonevac, for reading drafts of this dissertation and providing suggestions and comments that improved it in innumerable ways. All were extremely generous with their time and their wisdom. Kathleen's insights on Aristotelian virtue ethics were especially helpful and I am immensely grateful to Rob Koons, who selflessly agreed to serve on my committee at the eleventh hour so that I was ensured of having a quorum on the day of my oral defense. Rob's comments during the defense were extremely valuable and have given me a great deal of fuel for further thought. I wish I had asked him to join the committee from its inception. Nancy Sherman's comments, based on her wealth of experience in military ethics, have given me a fresh perspective on the subject and suggested new avenues of research. Jonathan Dancy's work on moral particularism greatly influenced my views on virtue-centric moral education, which I described in Chapter Five.

To my dissertation supervisor, Paul Woodruff, I owe a debt that I cannot adequately begin to acknowledge or repay. Paul's mentorship was indispensable over the four years of my graduate study and he was unfailingly generous with his time as well as with his personal library. His own experience as an army officer in Vietnam gave added weight to his counsel and he was enormously instrumental in guiding me in my research and developing the theme that occupies this dissertation. During my time at UT-Austin, I was privileged to take part in many of Paul's

seminars on the subjects of justice and ethics and, as a result, I have come away with a deeper understanding of both.

In addition to the members of my dissertation committee, other members of the philosophy faculty, as well as the administrative staff, were exceptionally generous with their time and knowledge. In particular, Sinan Dogramaci, Ray Buchanan, and Al Martinich were instrumental in my acclimation to the field of philosophy. Additionally, Sally Jackman, the graduate administrative advisor, was invaluable in helping me navigate the administrative challenges that are part of any academic program. They all have my most heartfelt thanks.

Finally, but most importantly, is the gratitude I owe my wife, Kayoko, to whom this dissertation is dedicated. She has made our house a home, as well as tolerated my almost complete immersion in this project over the past two years. She has endured the frustration, writer's block and the accompanying mood swings that I experienced while completing this project, all without complaint. Throughout, her love and patience were crucial in helping me retain my perspective and my sanity. Quite simply, I could not have done it without her.

Towards a More Ethical Military:

The Contribution of Aristotelian Virtue Theory to Military Ethics

Lonnie Wayne Olson, Ph.D.

The University of Texas at Austin, 2014

Supervisor: Paul Woodruff

The protracted wars in Afghanistan and Iraq have led to a number of moral abuses committed by members of the U.S. military. Media reports have focused particular attention on the human cost incurred by these abuses, the torture of detainees at Abu Ghraib and the massacre of civilians at Haditha being but a few, tragic examples. However, the human cost of these abuses is measured not just in the lives of noncombatants, but also by the number of military suicides that are a byproduct of traumatic combat experiences and the subsequent violation of moral norms. In light of this, any society that is sincere in its concern for the moral well-being of its soldiers, and the noncombatants with whom they interact, should seek to reduce the occurrence of such abuses.

In this dissertation, I argue that the development of moral character, particularly the conception of moral character that Aristotle promotes in his ethical theory, is fundamental to preventing the moral abuses that soldiers commit, both in combat and during peacetime. This project is composed of five chapters. The first chapter is devoted to describing the moral challenges that confront soldiers, particularly on the battlefield. Chapter Two articulates the broad outlines of Aristotelian virtue ethics with a specific emphasis on four key features of Aristotle's virtue theory and how they can be harnessed to promote ethical conduct within the

military institution. Arguably, the most important component of moral character is practical reason, the ability to assess a moral problem, weighing all the various considerations that affect it, and arrive at an ethical solution. Considering this, Chapter Three examines how practical reason can guide the soldier's understanding of obedience, loyalty and respect, traits that are widely considered military virtues, but which are also at the root of a great deal of unethical behavior. Chapter Four examines the military's code of professional ethics and how the possession of practical reason is necessary if soldiers are to make ethical decisions in situations the code does not explicitly address. The final chapter, Chapter Five, argues for more emphasis on the development of practical reason in military ethics education.

Table of Contents

Chapter One:

Defining the Problem: The Ethical Challenges of Military Service

1.1 Introduction

If, for some perverse reason, one were to set out to design an environment that would tax humankind's capacity for moral behavior, it would be difficult to devise one that would surpass the challenges presented by warfare. While war has served as the stage for inspirational acts of compassion and noble self-sacrifice, for the most part, war brings out the worst in human beings. For instance, war requires soldiers to commit one of humankind's most universal prohibitions, the killing of another human being, and serves as the germinating ground for a host of factors that seem purposively designed to destroy a soldier's physical and mental well-being. Advances in technology have created effective vehicle and body armor that provides soldiers with a degree of physical protection; however, the only protection that soldiers possess against the psychological and spiritual damage that war imposes is moral character.

The subject of moral character, its fundamental nature and how it is developed, as been the focus of philosophical debate as far back as Plato. Although the debate about character has waxed and waned throughout the centuries, the fact that it continues to be of enduring philosophical interest speaks to the importance with which it is viewed. While numerous insights, both empirical and philosophical, inform our modern notion of character, most modern philosophical views of character are indebted to work done by Aristotle. Considering this, the guiding argument that provides structure to the discussion that follows is that Aristotelian virtue theory contains the resources to develop the moral character that soldiers require if they are to

have any hope of withstanding the moral challenges that warfare presents, and returning home to their families as whole human beings.

However, before embarking on a discussion of moral character and how it contributes to meeting the challenges of military ethics, it will be helpful to come to some understanding of the distinction between immoral and unethical behavior, a distinction that can be difficult to pin down as often both terms are used interchangeably. One common way of understanding the distinction is that an immoral act is one that it is wrong for anyone to commit, regardless of circumstances. The case of a soldier raping an enemy, combatant or noncombatant, clearly falls into this category; there are no conceivable circumstances under which such an act is justified. The execution of prisoners of war is another example of an immoral act. Acts such as these are violations of what most people view as baseline expectations of human behavior. These are acts we expect others to refrain from committing as they represent gross violations of another person's psychological and physical integrity. On the other hand, acts categorized as unethical are often done so in reference to an established code of behavior unique to some social or professional association, such as the ethical standards that govern the professional conduct of physicians and lawyers.

The American military has its own strict code of ethics, which prohibits a wide range of acts, many of which would be acceptable among other professions. For instance, a military officer is prohibited from entering into any financial arrangement with any enlisted member of the armed forces, even when there is no direct supervisor-subordinate relationship. While such a relationship between an officer and an enlisted soldier is unethical per military regulations, the act could hardly be described as immoral. If not for the fact that both parties are under certain constraints peculiar to their membership in the armed forces, such an arrangement would be

perfectly fine. So this is an example of an act that is unethical without being immoral. Of course, many acts are both immoral and unethical, for any act that violates the baseline expectations of human behavior will also be unethical by any code of professional conduct worth its name. In short, immoral acts will always be unethical. Unethical acts may or may not be immoral. Since so many acts meet the definition of being both immoral and unethical, it has become common to use these terms interchangeably, and I intend to follow this practice. When I am describing an act that I take to be strictly unethical and not immoral, I will make this distinction explicit if it is pertinent to my argument.

I am interested in preventing the commission of immoral acts as well as those more narrowly defined as unethical. Egregiously immoral acts, such as the torture of prisoners of war or the massacre of enemy civilians, evoke the strongest emotional response and generally receive the most attention. Not only do such acts sicken us, they also carry enormous strategic consequences. In the current environment of almost omnipresent media coverage, wars can be won or lost by the immoral behavior of junior soldiers.[1] In fact, this phenomenon has created the concept of the 'strategic corporal,' a term meant to convey how the actions of relatively junior soldiers can have a disproportionate affect on the strategic success of a military campaign or foreign policy. At the opposite end of the spectrum, a case of an unmarried officer engaged in a sexual relationship with an unattached enlisted soldier often generates comparatively little attention apart from some salacious interest. Most people raised with a modern Western conception of what constitutes acceptable sexual behavior would not classify such a relationship as immoral, although the military service considers such relationships unethical for reasons that often are not readily apparent to civilians. However, such a seemingly harmless relationship,

[1] This should in no way imply that the possibility of a strategic setback is the only reason to take steps to prevent such behavior, or even the most important reason.

when tolerated and allowed to propagate, erodes the respect that soldiers hold for their officers, a sense of respect that is essential in order for a military organization to function effectively. Military units infected with a lack of discipline and respect for their officers and non-commissioned officers (NCOs) are far more prone to come undone during the stress of combat and more likely to commit atrocities.[2] Unethical behavior, if left unchecked and allowed to metastasize, can potentially contribute to serious violations of moral standards in combat. For this reason, my focus is not only on preventing war crimes, but also on curbing seemingly insignificant instances of unethical behavior that occur in most institutional settings.

Having established the sort of behavior I am interested in inhibiting, the next step is to gain a clear conception of the formidable obstacles that stand in the way of realizing such a goal. Many of these obstacles will be familiar to anyone who has faced the challenge of determining what the correct moral course of action is in a given situation, or has known the correct course of action but has had difficulty summoning the intestinal fortitude to carry it out in the face of social pressure. Belonging to an organization that lacks a commitment to ethical conduct as well as experiencing pressure to honor loyalties to one's friends and colleagues when they are clearly in the wrong are challenges that most people have faced at one time or another.

Along with these obstacles, war imposes its own special set of challenges on soldiers, not the least being the requirement that they violate one of humanity's universal moral injunctions, the prohibition against killing other humans. Killing is emotionally difficult for any normal person. Therefore, a primary goal of military training is developing the sense of emotional

---

[2] Noncommissioned officers, usually abbreviated as NCO, are enlisted personnel in the pay grades E-4 to E-9. The term "senior NCO" generally refers to those individuals occupying the pay grades E-7 to E-9 and they are typically invested with a great deal of authority and responsibility. The Marine Corps, being numerically smaller than the other services, generally invests much greater responsibility and authority in its junior NCOs, those in the pay-grades of E-4 to E-6, than either the Army, Navy or Air Force.

detachment that makes killing possible. Empirical studies of combat operations have revealed that the most effective way of developing this emotional distance is by operant conditioning. Prior to the Korean War, soldiers were trained in marksmanship by firing at static "bull's-eye" targets that bore no resemblance to the human form. In contrast, operant conditioning techniques train soldiers to view their adversaries, not as fellow humans, but as targets analogous to those they have trained with on the firing range.[3] The implementation of these techniques increased the firing rate of the average infantryman from fifteen to twenty percent in the Second World War to over ninety percent during Vietnam.[4]

Over the last several decades, operant conditioning techniques have been supplemented by technological developments that have significantly eased the emotional burden of killing. For instance, GPS guided munitions allow soldiers to kill without ever visually seeing their adversaries. Unfortunately, at the same time that advances in technology have eased the psychological burden of killing, the nature of warfare has evolved in such a way that, to be effective, soldiers often have to relinquish many of their technological advantages and the physical and emotional insulation that accompanies them.

During the past sixty years, warfare has steadily moved away from the traditional paradigm of a battle between symmetrically opposed armies and towards the asymmetry of counterinsurgency operations.[5] In a counterinsurgency campaign, the ultimate goal is not the military defeat of the insurgent forces, though this is a critical component. Instead, the ultimate

---

[3] The use of advanced combat simulators has greatly refined the techniques of operant conditioning.
[4] Dave Grossman, *On Killing* (New York: Little, Brown and Company: 1995), 250-251.
[5] "Symmetrically opposed armies" refers to opposing forces which are more or less evenly matched and in which tanks are opposed by tanks, fighter aircraft are met by opposing fighter aircraft, warships are opposed by other warships, and so on. When there is a gross mismatch between the size and technological capabilities of two opposing forces, such as between the U.S. Army and the Taliban, the weaker side generally resorts to "asymmetric tactics" in which armored vehicles are countered by improvised explosive devices and fortified forward bases are infiltrated by suicide bombers.

purpose of the campaign is to win the support of the indigenous population and, as such, it is insufficient merely to locate enemy forces and indiscriminately destroy them without due regard to the toll such operations inflict on civilian lives and property. Considering this, the insurgents' primary advantage lies in their ability to camouflage themselves against the background of the local populace. This tactic forces squads of soldiers to conduct hazardous foot patrols to flush the insurgents out from among the civilian population, thereby increasing the combat stress borne by soldiers and escalating the likelihood that atrocities will be committed.

For despite technological advances, modern warfare continues to tax the physical and emotional resources of soldiers as never before.[6] Combat is extraordinary stressful on a number of levels, requiring long stretches with little to no sleep, constant hunger, exposure to extreme temperatures, backbreaking physical labor, as well as the need to be constantly alert to the threat of danger. These circumstances not only strain the physical endurance of soldiers but their emotional and psychological resources as well. The longer soldiers serve in a combat environment, particularly when they are actively engaged in killing and suffering casualties, the more their emotional resilience and moral reasoning abilities are degraded.

Given how warfare can undermine soldiers' emotional resilience, one might expect that the emotional detachment that soldiers develop through operant conditioning would facilitate the commission of war crimes; however, this need not be the case as long as their training is supplemented by sound moral education and is reinforced by the strong leadership of experienced NCOs and officers. Conversely, the risk of war crimes increases dramatically when ethical leadership and education are absent. Soldiers are also more prone to violate

---

[6] Nocturnal operations are a relatively recent phenomenon in warfare, spurred by the development of night vision equipment. At one time it was common for hostilities to be suspended at sundown to be resumed the following morning. For a variety of reasons, that is no longer the case..

ethical norms if emotional detachment is attained through the exploitation of cultural disparities. For while racist propaganda is efficacious in creating a type of emotional distance, it also engenders counterproductive emotions such as hatred and contempt that are instrumental in motivating soldiers to commit war crimes.

Along with the influences cited above, institutional factors can have a profound influence on the moral behavior of soldiers. The ethical perspectives of senior civilian and military officials have a great deal of influence in shaping the ethical attitudes of the soldiers under their command. A notable example of this phenomenon is the misguided stance taken by senior Defense Department officials on the legality of torture in the months after September 11, 2001, which was responsible for creating the climate that ultimately led to the gross moral violations at the detention facilities at Guantanamo Bay and Abu Ghraib. Some institutional influences are so deeply ingrained in the military culture that their deleterious effects are often overlooked, such as the institutional focus on loyalty and obedience, both of which are essential to building unit cohesion and integrity. However, an emphasis on loyalty and obedience unleavened by an awareness of the role these traits can play in the commission of atrocities represents a real, and often unrecognized, threat to moral behavior.

Each of the forces discussed above represents a significant impediment to ethical conduct and they present even greater obstacles when working in unison. These challenges should be of special concern to officers and NCOs. In particular, junior officers and NCOs are in constant contact with their troops; they usually share the same risks and suffer the same hardships and consequently exert an enormous amount of influence over their soldiers' ethical conduct. General James Mattis emphasized this fact when he spoke to U.S. Marines regarding the nature of the wars in Afghanistan and Iraq:

> The current fight is increasingly personal and human factors have to take priority. The enemy is intentionally fighting among the people and like it or not...we're going to fight the enemy where he chooses to fight. By their nature our current wars are therefore ethically bruising. The current conflicts have caused us to create high performing small units, based on distributed operations, which places increased emphasis on the need for tactical and ethical decision-making training at the very junior levels of our leadership.[7]

Clearly, the ethical performance of a military unit is vitally dependent on how well these junior leaders respond to the moral challenges that confront them. Of equal, if not greater, importance is the moral character of senior officers, as they are ultimately responsible for the ethical climate within their organizations. By developing an astute awareness of these ethical challenges, senior officers can more effectively shape the command environment in order to improve the odds that their soldiers will be successful in overcoming ethical challenges.[8] Since an appreciation of the influence these forces exert on moral and ethical behavior is so important, the following discussion will explore these forces in more detail.

1.2. Neurological and Physiological Changes Induced by Combat Stress

Combat generates powerful neurological, physiological and emotional responses that profoundly affect moral reasoning. Maintaining one's alertness while patrolling through difficult, unfamiliar terrain while under constant threat of attack is enormously stressful. This stress is compounded when soldiers find themselves involved in counterinsurgency operations where it is difficult to identify legitimate threats. Such situations place a soldier's sympathetic nervous system, the neurological network responsible for mobilizing the body's energy reserves, in a state of almost constant readiness. Depending on the situation, soldiers can remain in this condition for several hours or even days. Once enemy contact is initiated, large amounts of

---

[7] Symposium on Ethical Decision Making & Behavior in High Performing Teams: Final Report. June 2-3, 2010.

[8] The term, 'senior officer' refers to a variety of ranks, depending on context. Generally, it refers to officers of the rank of lieutenant colonel and colonel in the Army, Marine Corps and Air Force and the ranks of commander and captain in the Navy. In this discussion I'll confine myself to using the term senior officer. At this rank officers usually hold command of units consisting anywhere from three hundred to two thousand soldiers, sailors or airmen. The term 'junior officer' generally refers to officers holding the rank of ensign, lieutenant junior grade and lieutenant in the Navy and second lieutenant and first lieutenant in the Army, Marine Corps and Air Force.

adrenaline are released into a soldier's bloodstream, providing additional energy to fuel action. Once the danger has passed, the parasympathetic nervous system, responsible for restoring the body's ability to sustain action, asserts itself and can cause, in the words of one military psychologist, a "parasympathetic backlash of enormous magnitude."[9] This powerful effect is best illustrated by the observations of a team of army psychiatrists studying the causes of battle fatigue among members of an infantry platoon during the Korean War. After a restful night, the platoon launched a dawn attack on an enemy position. By noon the position was secured and, with the immediate danger passed, the platoon leader repositioned his soldiers to repel an expected enemy counterattack. The psychiatrists were shocked to discover that the platoon leader and his NCOs continually had to move from one firing position to the next, keeping the soldiers awake. The parasympathetic response after the initial fighting was so great that the soldiers kept falling asleep despite being under significant threat of attack.[10]

These neurological phenomena affect moral behavior in important ways. First, during the sympathetic phase, soldiers' systems are flooded with adrenaline to the degree that their reasoning abilities are significantly affected. In such situations, it is not uncommon for soldiers to shoot adversaries who are trying to surrender. The adrenaline released during the sympathetic phase also partially explains why criminal suspects often end up riddled with dozens of bullets, in what seems to the average citizen as a gross overreaction by the police.[11] In such situations, the moral culpability of soldiers and police officers may be mitigated by evidence that an adrenaline rush impaired their moral reasoning.

---

[9] Dave Grossman, *On Combat* (Human Factor Research Group, 2004) 14-15.
[10] Ibid., 16.
[11] This is partly due to effects of the sympathetic nervous system and as well as a consequence of law enforcement training that conditions police officers to keep firing until a suspected threat is definitively eliminated.

The parasympathetic nervous system asserts itself after the immediate danger has past, and has an equally powerful affect on soldiers' reasoning abilities. The parasympathetic effect is especially pronounced in cases where soldiers have survived a hostile encounter in which their sympathetic resources have been heavily engaged, and then have had some time to reflect upon the experience before going back into action. As military psychologist, Dave Grossman, observes:

> In the immediate days after a combat situation, a warrior can be at his most vulnerable. He may be so sleep deprived, confused, uncertain and physiologically out of balance that he might respond to a subsequent combat situation with an inappropriate level of aggression. Think of a warrior as a finely calibrated machine. His job is to decide in a fraction of a second exactly how much force to use. If he should use a little too much, he gets into trouble, and if he uses too little, he can die. In the first few days after a shooting, the calibration on this finely tuned individual may be out of whack.[12]

Grossman's primary focus in the passage above is on law enforcement officers, and he recommends that after being involved in a shooting, police officers be given at least three or four days off to recover their emotional equilibrium. Grossman cites the experience of one police officer for whom it took three weeks of recuperation to reestablish a sense of emotional balance after he was involved in a fatal shooting. He argues that if sufficient time for recovery is not allowed, the officer is more apt to misread crucial physical and verbal signs and overreact, employing deadly force when it is not warranted.[13]

While Grossman's advice is directed towards law enforcement officers, his counsel is also relevant for soldiers. In the past decade, American soldiers have routinely been involved in counterinsurgency operations that require a highly developed sense of discrimination and self-control in order to distinguish combatants from noncombatants. Unfortunately, soldiers rarely have the luxury of taking a few weeks off after being involved in a fatal confrontation. However, despite the pressing requirements of combat operations, military leaders need to be

---

[12] Grossman, *On Combat,* 18.
[13] Ibid.

attuned to the emotional disturbances combat can produce among their soldiers and, whenever possible, they should provide a respite after the more violent episodes.

1.2.1 Sleep Deprivation

When Vince Lombardi stated that, "Fatigue makes cowards of us all" he was making an observation that resonates far beyond the world of sports. While there is a lack of consensus among scientists as to exactly why we need sleep, what is uncontroversial is the deleterious affect sleep deprivation has on physical and mental performance. Repeated studies have shown that sleep deprived people score as badly, or worse, on reaction time tests as those with a blood alcohol content of .10, which qualifies an individual as being legally drunk in all fifty states.[14]

Given the risk to lives and equipment, the U.S. military goes to great lengths to ensure that soldiers do not carry out their duties while under the influence of alcohol or drugs. Yet ironically, the military generally places little emphasis on receiving adequate rest, even when the exigencies of combat operations are not a factor. In fact, subsisting on as few hours of sleep as possible is often a point of pride in the military culture. Unfortunately, this attitude can have disastrous consequences. In a U.S. Army research study conducted in 1985, an artillery battalion was divided into four groups, each of which conducted firing exercises every waking hour of the day for twenty straight days. The soldiers in the first group received seven hours of sleep a day, the second group received six hours, the third received five and the fourth group subsisted on four hours of sleep per day. At the end of the twenty-day experiment, the accuracy rate of each the four groups was calculated. The study revealed that the first group achieved ninety-eight percent firing efficiency; the second group scored fifty percent while group three hit their targets twenty-eight percent of the time. The fourth group, operating on four hours of

---

[14] Ibid., 24.

sleep per night, attained an accuracy rating of only fifteen percent. It should be noted that, under actual combat conditions, the abysmal accuracy rates of the three most sleep deprived groups translates not only into legitimate military targets that would have been missed, but villages of innocent civilians that potentially could have been hit instead.

While the tactical mistakes of sleep-deprived soldiers often have tragic consequences, there is rarely any malicious intent associated with them. Nevertheless, it is unreasonable to think that sleep deprivation only affects soldiers' deliberation about technical aspects of their profession, leaving their moral reasoning unaffected. When under the influence of alcohol and drugs, people commit all manner of immoral behavior. Since going for long periods without sleep results in a cognitive state which is the equivalent of being legally drunk, it should come as no surprise that sleep deprivation has an equally deleterious affect on soldiers' moral reasoning skills.

This observation is supported by empirical research conducted at the Walter Reed Army Institute of Research.[15] As part of the study, twenty-six healthy test subjects were subjected to two nights of sleep deprivation, after which their response times to questions pertaining to moral judgment were compared with baseline responses collected when the subjects were well rested. The researchers discovered that sleep deprivation resulted in the subjects taking significantly longer to decide upon on a course of action for what the researchers term "Moral Personal" dilemmas, decisions in which the soldiers had a high degree of emotional investment.[16] The study also revealed that the quality of the soldiers' responses to questions dealing with Moral Personal dilemmas changed when they were in a sleep-deprived state. For example, the

---

[15] William D.S. Kilgore et al., "The Effects of 53 Hours of Sleep Deprivation on Moral Judgment," *Sleep* 30 (3) (2007): 345-352.
[16] Ibid., 350.

soldiers were presented with Moral Personal dilemmas and asked to comment on whether a particular course of action was "appropriate" or "inappropriate." Besides taking longer to reach a decision, the sleep-deprived soldiers were more willing to evaluate certain courses of action as appropriate that, when they were well-rested, they had previously evaluated as inappropriate. Surprisingly, the study showed that sleep deprivation did not significantly alter the subjects' decision response times or the evaluative character of their responses to Moral-Impersonal and Non-Moral dilemmas.[17]

The authors of the study concluded "that sleep deprivation significantly impairs the ability to integrate emotion and cognition to guide moral judgments, although the susceptibility to the effects of sleep loss on this ability is moderated by the subject's level of emotional intelligence.[18] Extrapolating these results to military operations indicates that sleep deprivation degrades soldiers' moral reasoning ability, particularly in situations fraught with moral consequences in which the soldier is personally affected. Conversely, the study suggests that sleep deprivation does not have a significant affect on the moral reasoning abilities of those engaged in operational military planning, a task which requires one to grapple with moral problems that are far less personal in nature than those faced by the combat soldier.

It is important to note that the study did not demonstrate that sleep deprivation causes a deterioration in the quality of moral beliefs. For example, sleep deprivation does not cause a person to exhibit racist beliefs if they are not part of a person's belief network when well rested.

---

[17] Ibid. The authors characterize decisions that do not emotionally impact the test subject as Moral Impersonal. An example of such a decision might be a staff officer, in the calm and quiet of his office, facing a decision that may result in the deaths of civilians hundreds of miles away. Non-Moral dilemmas were those that had no moral component to them at all, such as decisions about engineering or other technical matters.

[18] Ibid. The neurological cause of this moral impairment originate in an area of the brain called the ventromedial prefrontal cortex. Functional magnetic resonance imaging (fMRI) has confirmed that this region of the brain plays a critical role in forming moral judgments, particularly in the way in which emotions are integrated with cognition. Studies have demonstrated that this region of the brain is extraordinarily sensitive to sleep loss, with dramatic decreases in glucose metabolism taking place with as little as one night of sleep deprivation.

However, the sleep-deprived test subjects displayed more permissive attitudes towards certain solutions to Moral-Personal dilemmas, which they previously considered to be inappropriate.[19] In this sense, a sleep-deprived officer or NCO might be more willing tolerate racist comments among her soldiers when she normally would not do so. Of equal concern is the increased time that it took the test subjects to process morally significant decisions. In combat scenarios, decisions with enormous moral consequences often must be made in seconds, such as the choice a helicopter gunner faces in deciding whether to return fire at an enemy position located in a schoolyard.

One factor that appeared to mitigate the deleterious effects of sleep deprivation on moral reasoning was the subjects' level of emotional intelligence, roughly defined as the ability to perceive, understand and manage one's own emotions as well as the emotions of others.[20] As part of the study, researchers administered the Bar-On Emotional Quotient Inventory (EQ-i) to gauge the emotional intelligence (EQ) of the study participants while they were well rested. The authors of the study concluded that while there was no appreciable difference between test subjects and EQ in terms of their responses to Moral-Impersonal or Non-Moral dilemmas, there was a significant difference between the responses of average and high EQ individuals regarding their responses to Moral-Personal dilemmas.[21] The responses of sleep-deprived, high EQ individuals to Moral-Personal dilemmas were much more consistent with their baseline responses than test subjects who scored low on emotional intelligence. The authors of the study speculate that emotional intelligence may serve as a form of cognitive reserve that allows individuals to retain their moral reasoning capacities despite the effects of sleep deprivation. If

---

[19] Ibid., 351.
[20] Andrew Coleman, *A Dictionary of Psychology* (Oxford: Oxford University Press, 2008).
[21] Kilgore et al., 349.

this is correct, it could be worthwhile for the military to investigate ways of promoting the development of emotional intelligence in its members.

Besides sleep deprivation, hunger, thirst and the extreme physical discomfort caused by climate and terrain can all seriously erode morale and soldiers with low morale are more susceptible to committing atrocities. Napoleon's dictum that "An army marches on its stomach," applies as much to soldiers' reasoning abilities as to their physical performance. Officers who are sensitive to these influences will ensure that their soldiers are adequately supplied with food, water and appropriate clothing. While one might think such considerations would be at the forefront of every commander's mind, they are often overlooked.

Up to this point, I have focused on how neurological and physiological responses to external stressors affect soldiers' moral reasoning ability. In the following section, I'll address an even more powerful influence on moral reasoning—the soldiers' own emotions.

1.3 Emotional Distance and the Act of Killing

The human race's bloody history belies the fact that it is more difficult to induce people to kill than one might suppose. Studies conducted on American infantrymen during the Second World War revealed that, despite extensive training, seventy-five to eighty percent did not fire their weapons at an exposed enemy.[22] This phenomenon was not confined to the infantry; researchers discovered that less than one percent of Air Corps fighter pilots accounted for thirty to forty percent of all enemy aircraft shot down.[23] Even those soldiers who managed to kill an enemy combatant reported feeling conflicted about the experience. Biographer and former marine, William Manchester, writes about the remorse he felt upon killing a Japanese soldier, "I

---

[22] Grossman, *On Killing*. 252.
[23] Ibid., 30. Empirical studies of the performance of WWII Soviet fighter pilots arrived at similar conclusions.

remember whispering foolishly, 'I'm sorry' and then just throwing up....I threw up all over myself. It was a betrayal of what I'd been taught since a child."[24]

Considering this reluctance, an important objective of military training is developing soldiers' abilities to see their adversaries, not as fellow humans, but as targets to be "engaged" and "neutralized." Such euphemisms are important components in the desensitization process soldiers undergo, which allows them to emotionally disengage from what they are doing when they fire their weapons at an adversary. While effective, this emotional desensitization cuts more than one way. For instance, there is a distinction between emotional distance and such emotions as hate and contempt. Emotional distance allows a soldier to function effectively while hatred may induce a soldier to kill indiscriminately. As Richard Holmes observes,

> Without the creation of abstract images of the enemy, and without the depersonalization of the enemy during training, battle would become impossible to sustain. But if the abstract image is overdrawn or depersonalization is stretched into hatred, the restraints on human behavior in war are easily swept aside. If, on the other hand, men reflect too deeply upon the enemy's common humanity, then they risk being unable to continue with the task whose aims may be eminently just and legitimate. This conundrum lies, like a Gordian knot linking the diverse strands of hostility and affection, at the heart of the soldier's relationship with the enemy.[25]

This is the dilemma that must be confronted when training the soldier for combat: developing within soldiers the emotional detachment necessary to kill without awakening the "darker angels" of their nature. For once such emotions are unleashed, it is difficult for even the most forceful leader to control them. The following section will discuss various ways in which such emotional distance is achieved and how certain methods of attaining it facilitates the commission of atrocities.

Apart from euphemisms and operant conditioning techniques, there are various methods by which soldiers can acquire emotional distance from the act of killing. One method is to impose a mechanical distance between the soldier and his adversary. While it might appear that

---

[24] Ibid., 88.
[25] Richard Holmes, *Acts of War: The Behavior of Men in Battle* (New York: Simon and Schuster: 1985),150.

weapons development has been driven purely by the desire to achieve a tactical advantage, the psychological benefits conferred by mechanical distance should not be underestimated. I have previously discussed how difficult it is for soldiers to achieve the psychological ability to kill even using relatively impersonal weapons such as rifles. The task of killing becomes exponentially more challenging when a soldier engages an enemy in hand-to-hand combat, a distance at which an adversary's humanity is, quite literally, staring him in the face. As Dave Grossman observes:

> Man has a tremendous resistance to killing effectively with his bare hands. When man first picked up a club or a rock and killed his fellow man he gained more than mechanical energy and mechanical leverage. He also gained psychological energy and psychological leverage that was every bit as necessary in the killing process.[26]

Humans instinctively recoil from the act of killing, particularly when physical proximity makes plain their adversary's humanity. Therefore, armies historically have sought to achieve ways in which to mitigate the psychological burden of killing even if only by the marginally less traumatic expedient of dispatching one's foe with a rock or a wooden club. As the philosopher, Glenn Gray, notes:

> Unless he is caught up in murderous ecstasy, destroying is easier when done from a little remove. With every foot of distance there is a corresponding decrease in reality. Imagination flags and fails altogether when distances become too great. So it is that much of the mindless cruelty of recent wars has been perpetrated by warriors at a distance, who could not guess what havoc their powerful weapons were occasioning.[27]

Killing becomes easier with each incremental increase in distance between combatants and the distance at which it can be done has increased exponentially over the course of history. The Greek phalanx allowed a hoplite to extend his killing range up to ten feet, a distance that eased the psychological burden of killing. Catapults, longbows, muskets and canon were all incremental steps toward the goal of perfecting both the tactical and psychological advantages conferred by mechanical distance. The development of air-deployed munitions, rockets and

---

[26] Grossman, *On Killing.* 132.
[27] Glenn Gray, *The Warriors* (New York: Harcourt, Brace:1959)*,* 132.

intercontinental ballistic missiles have dramatically extended the distance between combatants and provided soldiers with a significant amount of emotional insulation.

The psychological benefits bestowed by mechanical distance have been established by numerous studies that have examined the psychiatric trauma induced by different forms of combat. For instance, it remains exceedingly rare for artillerymen, aircrews and naval personnel to suffer psychiatric casualties.[28] Conversely, the incidence of psychiatric trauma is highest among infantrymen, who are forced to engage the enemy at ranges at which the enemy's humanity is difficult to deny. Research indicates that over the course of the last century, soldiers who experienced close combat were far more likely to become psychiatric casualties than they were to be killed by the enemy.[29]

While it is difficult to deny the advantages of mechanical distance, both tactically and in terms of the emotional insulation it offers the soldier, mechanical distance obscures the humanity of enemy civilians as well, effectively bypassing empathic mechanisms which are critical in providing emotional feedback to the soldier that a particular act she may be engaged in is morally questionable. This allows the commission of acts that in other circumstances would be virtually unthinkable. For instance, during the Allied firebombing of the city of Hamburg in February, 1943 over seventy-thousand people were immolated in a firestorm of such violence that it generated hurricane force winds at the center of an inferno four square miles in size.[30]

---

[28] Grossman, *On Killing*. 43.
[29] Ibid., 54.
[30] Tami Biddle, *Rhetoric and Reality in Air Warfare: The Evolution of British and American Ideas about Strategic Bombing, 1914-1945* (Princeton, NJ: Princeton University Press, 2002), 220. The firebombing of Hamburg (as well as that of Dresden and Tokyo) is topic that stirs considerable controversy, particularly whether such tactics served any vital military necessity. I think the following statement by the British Air Marshal Arthur Harris casts the moral character of the bombing in the most accurate light: "The destruction of German cities, the killing of German workers, and the disruption of civilized community life throughout Germany [is the goal]. ... It should be emphasized that the destruction of houses, public utilities, transport and lives; the creation of a refugee problem on an unprecedented scale; and the breakdown of morale both at home and at the battle fronts by fear of extended and

Since most men of military age were serving at the front, virtually all of the dead were women, children and elderly or disabled men. If the aircrews instead had been ordered to physically train a flamethrower on each of the seventy-thousand civilians, the moral repugnance evoked by such an order would have prevented most of them from carrying it out.[31] For the aircrews, mechanical distance made possible acts that would have been almost unthinkable were they forced to confront their victims face-to-face. Unfortunately, such moral repugnance can be overcome, and in the following section I will examine some of the ways in which this is done.

1.3.1. Cultural and Moral Distance

While the emotional detachment imparted by mechanical distance can facilitate the commission of atrocities, it does so without necessarily requiring that soldiers hold their enemies in contempt, or that they bear a sense of hatred towards them. The same can be said for the operant conditioning techniques by which soldiers are conditioned to perceive their adversaries simply as targets. In the U.S. military, soldiers generally are not encouraged, at least as a matter of official policy, to view their inanimate training silhouettes as representations of a culture that is somehow worthy of hatred and contempt. If this training is done wisely, soldiers will approach the task of killing as dispassionately as possible and, in the process, minimizing the accumulation of counterproductive emotional baggage. A certain degree of hatred for the enemy will almost certainly develop among soldiers during combat; it is difficult enough for officers and NCOs to prevent soldiers from acting on such emotions without deliberately invoking these emotions for motivational effect.

---

intensified bombing are accepted and intended aims of our bombing policy. **They are not byproducts of attempts to hit factories**." [Emphasis added].

[31] Grossman, *On Killing*, 49. It should be remembered that such massacres have taken place in Rwanda and Nanking in the most violent and personal ways possible. In these instances the perpetrators were conditioned to kill in a far different manner from the bomber crews.

Apart from operant conditioning, there are other means of developing emotional detachment in soldiers, such as exploiting cultural differences between them and their adversaries. Such differences usually take the form of racial, ethnic and religious asymmetries. Generally, the more pronounced the cultural dissimilarities between the warring parties, the more efficacious they are in motivating soldiers to kill, whereas cultural similarities between adversaries often enhances the emotional identification between combatants. Research conducted during the Second World War revealed that American soldiers, most of whom were descendants of European immigrants, displayed a psychological preference for killing Japanese over German soldiers. The study found that 44% of American soldiers expressed a high degree of enthusiasm for killing Japanese soldiers, while only six percent expressed a similar willingness for killing Germans.[32]

Absent significant racial or cultural differences, the moral elevation of oneself and one's cause over the enemy can effectively achieve the same result as the exploitation of cultural asymmetries. The deleterious consequences of moral distance can be seen in the religious wars generated in the wake of the Protestant Reformation in which there were few cultural disparities between the combatants. The necessary emotional distance was achieved largely through a sense of moral superiority grounded in religious belief. Tragically, the moral righteousness associated with religious wars often results in a heightened degree of savagery not seen in conflicts where cultural distance outweighs the sense of moral distance between the combatants. However, moral distance retains its efficacy in fueling a willingness to kill, even in wars where religious animosity is not present. The viciousness of the combat between American and Japanese forces during the Second World War, in which either side rarely gave quarter, was not

---

[32] Grossman, *On Killing*. 41.

driven solely by cultural differences, but also by a sense of moral outrage at the treacherous surprise attack on Pearl Harbor. This gave the war, at least on the American side, the character of a moral crusade. The same sense of moral outrage was evoked by the attack on the World Trade Center on September 11, 2001, and continues to fuel a sense of moral distance between American soldiers and their adversaries in Afghanistan.

Combat evokes a wide range of emotions, few of which are compatible with ethical behavior. Exacerbating the influence of cultural and moral distance, are the inevitable feelings of anger and revenge that develop among soldiers. In his study of combat trauma, Jonathan Shay relates the feelings of revenge of one marine who fought in Vietnam:

> I felt betrayed by trying to give the guy a chance and I got blasted. I lost all my mercy. I felt a drastic change after that. I just couldn't get enough. I built up such hate, I couldn't do enough damage. Everybody'd get hit and the hate'd build up. Especially seeing what they did to guys in the outfit they got hold of-cut off their dicks, cut off their ears. And I had to identify bodies at the morgue. It really fucked me up, them out in the sun all blown up like balloons. The stench-couldn't stand it. Got worse as time went by, I really loved fucking killing, couldn't get enough. For everyone that I killed I felt better. Made some of the hurt went away. Every time you lost a friend it seemed like part of you was gone. Get one of them to compensate what they had done to me. I got very hard, cold, merciless. I lost all my mercy.[33]

Shay describes this type of reaction as going "berserk" and those that experience it as "berserkers." The word comes from Old Norse literature and describes warriors who fought in a sort of trancelike fury. Documentation of this phenomenon is not isolated to Norse mythology; Homer portrays Achilles as being in this type of state after the death of Patroclus. This state is usually caused by the traumatic loss of a close comrade. Sadly, instead of offering consolation, many officers viewed soldiers' emotional pain as an opportunity to exploit their feelings of revenge and direct them at the enemy.[34]

One of the more notorious examples of how a thirst for revenge can influence the moral behavior of combat troops is the "My Lai massacre," during which a company of American

---

[33] Jonathan Shay, *Achilles in Vietnam* (New York: Simon and Schuster:1994), 78-79.
[34] Ibid., 81.

soldiers from the Americal division murdered over four hundred women, children and elderly men at the South Vietnamese hamlet of My Lai. The purpose for sending American soldiers into the hamlet was to search for Vietcong guerrillas suspected of using the hamlet as a base of operations. An infantry company, under the command of Captain Ernest Medina, was ordered to search the hamlet and then burn the villagers' huts and rice and kill their livestock to deny their use to the Vietcong. Medina set the stage for the massacre on the evening of March 15, 1968 by briefing his soldiers that all noncombatants would have left My Lai for the market by seven o'clock, and that anyone remaining in the village was to be considered an enemy combatant. In an apparent attempt to motivate his men, Medina supplemented the battalion commander's orders by deliberately evoking feelings of revenge, reminding the soldiers of the casualties they had suffered from land mines and booby traps over the preceding thirty days, and reemphasizing that only Vietcong would be present in My Lai and that they were all to be destroyed.[35]

The following morning, Medina's company swept through the village, finding only old men, women and children. Liberated from restraint by Captain Medina's assertion that the hamlet held only Vietcong insurgents and embolden by the vengeful pre-operation speech, Medina's soldiers embarked on a killing spree, herding groups of old men, women and children into ditches and mowing them down with automatic weapons and hand grenades as well cutting out the tongues of several women before raping and killing them. By the time the order was finally given for the killing to stop, over four hundred Vietnamese had been slaughtered. The death toll would have been higher were it not for the courage of Warrant Officer Hugh Thompson and

---

[35] Lawrence P. Rockwood, *Walking Away From Nuremberg: Just War and the Doctrine of Command Responsibility* (Amherst: University of Massachusetts Press: 2007), 123. There exists no transcript or written record of Medina's speech to his company on the eve of the My Lai operation; however, several soldiers who attended the brief attest to Medina's emphasis on revenge.

his helicopter crew who intervened, shielding the helpless Vietnamese by placing themselves between the victims and the American soldiers. At one point, Thompson directed his helicopter gunner to fire on Medina's soldiers if they did not desist.[36]

In addition to the emotions of anger and revenge, the commission of this atrocity was facilitated by the vast cultural gulf that existed between the American soldiers and the Vietnamese. Even today, it is hard to find a country less similar to the United States than Vietnam and this difference was even more pronounced in 1968. In terms of race, language and religion, the Vietnamese were utterly foreign, unlike anything the average nineteen-year-old American had ever experienced. The tactics of the Vietcong guerrillas exacerbated this cultural chasm, camouflaging themselves among the Vietnamese peasants so effectively that American soldiers were hard pressed to discern combatants from civilians. These conditions led most American soldiers to view all Vietnamese with distrust and enmity. The stoicism that Vietnamese peasants often displayed in the face of misfortune played into the myth of the inscrutable Asian and fostered a feeling among American soldiers that the Vietnamese lacked essential human feelings and qualities and they generally referring to them as gooks, slopes, and dinks. For its part, the military hierarchy did nothing to mitigate these dangerous conceptions, but rather endorsed them by referring to the Vietnamese by these same racial epithets in formal briefings. Therefore, all the elements necessary to facilitate the My Lai massacre were already present in the Army's operational culture; all that remained was for Capt. Medina to ignite the dry kindling of hatred and contempt with his vengeance-filled speech to his soldiers on the eve of the operation.

---

[36] Hugh Thompson, *Moral Courage in Combat: The My Lai Story.* (The 2003 William C. Stutt Ethics Lecture sponsored by The Center for the Study of Professional Military Ethics. November 20, 2003), 23. This is an abridged transcript of a talk by Warrant Officer Hugh Thompson to Naval Academy midshipmen followed by a question and answer session.

My Lai demonstrates that tactics designed to exploit feelings of revenge and racism should never be employed by military leaders as such methods can completely erode any feelings of empathy for enemy civilians as well as combatants. Unfortunately, some of the attitudes that fueled the My Lai massacre are still present in the U.S. military and continue to motivate war crimes. In November 2005, a squad of U.S. Marines murdered twenty-four Iraqi civilians in an atrocity with disturbing parallels with My Lai. Two years later, a survey of American soldiers and marines serving in Iraq revealed that less than half felt Iraqi civilians deserved to be treated with dignity and respect.[37] Some Army officials have put a positive spin on this report, citing it as an example of the positive leadership the military is providing because the vast majority of soldiers are not acting on their feelings.[38] However, this assertion offers little comfort, as it is entirely possible that the majority of soldiers and marines surveyed are not in a position to directly act on their feelings but that they would were they given the opportunity to do so. While it is encouraging that there have not been more instances of war atrocities, just as at My Lai, these prevailing attitudes of disrespect are like dry brush waiting to be ignited. Officers and NCOs need to be especially sensitive to purging cultural and moral prejudices in their own outlooks and take reasonable measures to correct such misconceptions among their soldiers. If such attitudes are left to fester, the results can be disastrous.

Up to this point, I have discussed the role emotional distance plays in enabling soldiers to kill and how cultural differences, while effective at instilling a sense of emotional distance in soldiers, also leads to the development of feelings of hatred and contempt which are motivating factors in the commission of war crimes. I have also described the powerful neurological and

---

[37] Thomas E. Ricks and Ann Scott Tyson, "Troops at Odds With Ethics Standards" *The Washington Post.* May 5, 2007, accessed January 13, 2013. http://www.washingtonpost.com/wp-dyn/content/article/2007/05/04/AR2007050402151.html

[38] Ibid.

physiological forces that are unleashed by the stress of combat operations and how they adversely affect a soldier's moral judgment. While I have not examined them in as much detail, hunger and other forms of physical hardship all chip away at a soldier's moral armor. In war, these forces are usually present to some degree and, when acting in unison, they present significant challenges to ethical behavior. However, the influence of these forces pales in comparison to the affect that institutional forces exert on a soldier, which will be discussed in the following section.

1.4 Institutional Factors Affecting Ethical Behavior

It is difficult to be moral when part of an immoral organization; the organizations to which we belong have the capacity to dramatically shape our moral behavior for the better or for the worse. As Bebeau and Monson observe in their study of professional ethics, "The moral milieu or climate of the institution . . . either inhibits growth or, in some cases, actually erodes growth in reasoning.[39] The influence of an organization's moral perspective on the behavior of its individual members is magnified in the case of military service. Soldiers are considered to be on duty twenty-four hours a day, seven days a week and the military's professional standards of conduct apply as much during their leisure hours as when they are engaged in their official duties. Considering this constant commitment, most soldiers define themselves by their military service and view it as an all-encompassing vocation, similar to firefighting and law enforcement. Even individuals who have only served a short enlistment in the military often refer to themselves as "former marines" or "former paratroopers" for the rest of their lives.

---

[39] Muriel J. Bebeau and Verna E. Monson, "Guided by Theory, Grounded by Evidence: A Way Forward for Professional Ethics Education" in *The Handbook of Moral and Character Education,* ed. Larry P. Nucci and Darcia Narvaez, (New York: Routledge: 2008), 570.

The strong identification with the military persona is especially prevalent since the abolishment of the draft and the establishment of an all-volunteer military force in 1973. Today, soldiers join the military of their own volition and though there are a variety of reasons that lead them to enlist, more often than not, there is an element of idealism in their motivation. On average, military recruits are in their late teens and early twenties and while they are often idealistic, they possess moral perspectives and characters that are only partially formed. Consequently, recruits are especially receptive to training and indoctrination and any moral weaknesses in the organization are apt to manifest themselves in the ethical development of the soldiers.

While there are numerous institutional factors that affect the moral behavior of soldiers, the following three exert an unusually potent influence: the moral character of the military leadership; a pervasive culture of dishonesty; a lack of awareness regarding the complex nature of obedience and loyalty. These three factors are all interwoven in various complex ways. My goal for the remainder of this chapter will be to disentangle them in order to understand the influence they exert over ethical behavior.

It is an axiom of the military leadership that an army of lambs led by a lion is preferable to an army of lions led by a lamb. This maxim is typically invoked to emphasize the importance of courage and aggressiveness in combat leadership, but it applies equally to the influence leaders exert on the ethical behavior of those they lead. It is difficult to overemphasize the influence a leader's character has on his soldiers' morale; a change in leadership can literally transform the entire climate of a military unit, for better or worse, in the course of a few days. Leaders influence their soldiers' ethical behavior in a variety of ways, but the most effective is through their personal example. Nothing destroys the morale of a military unit more

thoroughly than the ethical hypocrisy of its officer corps. Therefore, the moral character of commissioned officers and senior NCOs is of critical importance in influencing the moral behavior of the soldiers they lead. Only when a unit's leadership purposively sets and enforces high ethical standards do they inculcate a reciprocal devotion and appreciation for moral behavior throughout the command.

Conversely, when officers and NCOs fail to exercise assertive, proactive moral leadership it creates an ethical vacuum which is usually filled by the soldiers' own half-formed and ill-considered moral opinions. As dangerous as this situation is, what is even worse is when those in senior leadership positions knowingly endorse policies they know to be morally questionable. This danger is best illustrated by the decision of the Bush administration in the fall of 2001, to resort to the use of torture to facilitate intelligence collection from Al Qaeda and Taliban prisoners.

Elected and politically appointed civilians wield constitutional authority over the armed forces and occupy the pinnacle of the military's command hierarchy.[40] These elected officials are commonly referred to as the National Command Authority (NCA) and comprise the offices of the President of the United States and the Secretary of Defense.[41] While the NCA exists as an abstraction in the awareness of most soldiers, it is the source from which all military orders ultimately derive their legitimacy and, as such, the NCA exerts a powerful influence on the moral tone of the American armed forces. In December 2001, in an effort to facilitate the extraction of information from Al Qaeda and Taliban prisoners, the Department of Defense

---

[40] The term "command authority" refers to the authority invested in an officer for the operation of a distinct military unit, such as an infantry company, a battalion, a naval warship or a group of armies. Officers with command authority are held to be ultimately responsible for all aspects of their unit's performance and are invested with the authority to award non-judicial punishment (NJP) to those under their command who violate the UCMJ.

[41] Congress, particularly members of the Senate and House Armed Services Committees also exert significant control over the military but their influence tends to be more diffuse.

(DoD) General Counsel's office began developing the legal groundwork for authorizing the use of "enhanced interrogation techniques," a transparent euphemism for torture. In a memo dated January 19, 2002, Secretary of Defense Rumsfeld asserted that traditional Geneva Convention protections did not apply to "unlawful combatants" such as members of Al Qaeda and the Taliban.[42] This phrasing was unfortunate because it set the stage for the abuses that were to follow. In addition to denying that the Geneva Convention protections applied to suspected Al Qaeda and Taliban members, Rumsfeld asserted that the humane treatment of these prisoners was not categorical, but contingent on military necessity, implying that if military necessity warranted it, harsh interrogation techniques could be employed.

President Bush officially endorsed Rumsfeld's position on enhanced interrogation techniques in a February, 2002 memo to his national security advisor.[43] In September of 2002 Defense Department officials tasked SERE instructors with providing instruction to Guantanamo Bay interrogators on the methods they employed for training military personnel to resist enemy interrogation. This was done in spite of the fact that such methods are in direct violation of international law as well as several U.S. statues.[44] The training provided to the interrogation teams at Guantanamo Bay included instruction on how to administer the following techniques: water boarding, the use of loud music, white noise, flashing lights, the placing of hoods over trainees' heads, slapping the face and body of the prisoners and the use of dogs and snakes to raise the fear level of prisoners and make them more pliant and willing to impart useful

---

[42] Douglas A. Pryor, *The Fight for the High Ground: The U.S. Army and Interrogation During Operation Iraqi Freedom May 2003-April 2004* (Fort Leavenworth: CGSC Foundation Press: 2009), 22.
[43] Ibid.
[44] Ibid., 20-21. The acronym SERE stands for Survival, Evasion, Resistance and Escape. Pilots, special forces and others who are at high risk of enemy capture are required to attend this training, which exposes them to a taste of the treatment they can expect if they fall into enemy hands, particularly those who are non-signatories to the Geneva conventions.

information.[45] In a memo dated December 2, 2002 Rumsfeld formally endorsed the use of coercive interrogation techniques on the detainees held at Guantanamo Bay.[46]

While there is no conclusive evidence that these techniques were instrumental in eliciting actionable intelligence, the fact that they bore the stamp of NCA approval led to the migration of these techniques to the detention facility in Bagram, Afghanistan.[47] Citing Rumsfeld's December 2002 memorandum as justification, Lieutenant General Ricardo Sanchez, the commanding general of coalition forces in Iraq, issued a policy memo authorizing the use of coercive interrogation techniques for the purpose of accelerating the pace of information extraction from Iraqi prisoners.[48] Despite the sanction provided by official policy and the impression created by subsequent media reports, these techniques were only used in a small number of interrogation facilities. However, in the facilities where these techniques were implemented, the interrogators were especially zealous in applying them. A few interrogators went far beyond the officially sanctioned techniques, devising their own perverse modifications that resulted in the deaths of some inmates. For instance, one prisoner, a prominent Iraqi general, suffocated when he was stuffed into a sleeping bag that was then wrapped in electrical cord while an interrogator knelt on his head.[49]

Two months after issuing his initial guidance on coercive interrogation techniques, Sanchez rescinded it based on concerns that his original order had given interrogators too much latitude. Unfortunately, dissemination of the cancellation order was haphazard and most interrogation facilities were not made aware of the change; hence, detention facilities employing these

---

[45] Ibid., 24.
[46] Ibid., 23.
[47] Ibid., 24.
[48] Ibid., 46.
[49] Ibid., 52.

techniques continued to do so well after the original authorization was rescinded. In any case, the damage had been done as was made evident when the details of the abuse of detainees at Abu Ghraib were made public in the spring of 2004.

The revelations had a catastrophic affect on America's moral reputation and were directly responsible for drawing thousands of new recruits to the insurgents' cause, bringing Iraq to the brink of complete chaos. More disturbingly, after news of the abuse was made public, Al Qaeda terrorists created a video in which they beheaded captured American journalist, Nicholas Berg, a heinous act that they stated was in retaliation for the abuse of the Abu Ghraib detainees. The effects of the Abu Ghraib debacle were concisely summarized in a nineteen-year-old marine's comment to Major General James Mattis: "Some assholes have just lost the war for us."[50]

Every American should find it deeply troubling that a teenage marine was able to discern the strategic consequences of the practice of torture that seem to have eluded those occupying the pinnacle of American military leadership. However, the damage inflicted by the legitimization of torture is more insidious than any tactical or strategic setback. As Colonel Peter Mansoor, one of the officers who opposed the use of coercive techniques observed, "Prisoner abuse degrades both the abuser and abused; as Americans we should stay on a higher moral plane. We have to remain constantly vigilant in this regard, lest we lose our soul in the name of mission accomplishment."[51]

If there is one unifying thread to the story related above it is the failure of moral leadership from the highest levels of the U.S. military command structure down to the senior NCO level. At several points in this narrative, senior officers, as well as senior NCOs, could have put a stop

---

[50] Ibid., 26.
[51] Ibid., 66.

to this disastrous process as it unfolded but, for reasons only they can articulate, they chose not to do so. A reasonable supposition for the acquiescence of so many senior officers is that the NCA's endorsement lent these techniques an air of legitimacy. In an institution the size of the U.S. military, certain instances of abuse were bound to occur. However, the extent of the abuse was impossible without the climate of legitimacy created by Rumsfeld's memo of December 2002, which set the tone for much of the abuse that followed.

It is especially tragic that the legal consequences of the senior leadership's moral failure were almost exclusively borne by a group of poorly led junior soldiers who would not have found themselves in the position they did if they had been provided proper ethical leadership by their chain of command, beginning at the offices of the NCA. If there is a bright spot in this sad story it is that torture was isolated to a relatively small number of detention facilities and that the majority of military interrogators maintained high standards of moral behavior. One military intelligence officer who refused to countenance the use of coercive interrogation techniques framed the perceived "moral dilemma" which led to the authorization of such methods in the following light:

> We have taken casualties in every war we have ever fought-that is part of the very nature of war. We also inflict casualties, generally many more than we take. That in no way justifies letting go of our standards. We have NEVER considered our enemies justified in doing such things [torture] to us. Casualties are part of war-if you cannot take casualties then you cannot engage in war. Period. We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.[52]

The fact that the use of enhanced interrogation techniques remained isolated to only a few installations is attributable to the ethical leadership of a group of NCOs and officers who refused to countenance the use of coercive techniques and stands in sharp contrast to the ethical shortcomings of key generals and elected officials.

---

[52] Ibid., 1.

The decisions and policies that resulted in the torture of detainees at Guantanamo Bay, Bagram and Abu Ghraib demonstrate that the moral character of senior military leadership resonates throughout the institution and is of enormous practical importance to soldiers in maintaining their ability to retain the ethical high ground. Unfortunately, in the modern American military, the motivation to maintain high ethical standards is often undermined by the existence of rampant careerism among the officer corps. This careerist perspective fosters an unforgiving attitude towards even the most honest mistakes and causes officers to be extremely reluctant to own up to professional and personal failures of any kind, lest they reflect poorly on an officer's promotion potential. This has led to the development of a culture of dishonesty that is pervasive throughout the American military, a culture that will be the subject of the following section.

1.4.1 The Corrosive Influence of Dishonesty

The military service, in particular the officer corps, tends to attract people who thrive on hard work and intense competition. In this sense, the American military is no different from most Fortune 500 corporations. Unfortunately, the armed forces experience many of the same problems that plague corporate culture, not the least being an ongoing battle against institutional dishonesty. One of the many ways in which this culture manifests itself is in fraudulent reporting.

Like most hierarchical organizations, the military force structure resembles a pyramid, with promotion opportunities decreasing the higher an officer rises within the organization. For instance, less than two percent of eligible commissioned officers have a chance of promotion to general officer. With so many officers competing for such a limited number of advancement opportunities, competition is stiff. Considering this, many officers see it in their best interest to

be less than forthcoming regarding any errors in judgment they commit, regardless of how honest the mistake may be.

The institutional impact of this dishonesty is magnified the higher the position an officer occupies in the chain of command, as the mistakes of his subordinates are viewed by his own superiors as reflecting poorly on his leadership ability. For instance, not only does a company commander have to be concerned about his errors, but also the errors of the two hundred soldiers that report to him. If he accurately represents the true disciplinary record of his company, while at the same time, his peers are doctoring their reports, he finds himself at a distinct disadvantage. Adding additional pressure to the situation, the company commander's immediate superior, the battalion commander, is also concerned with making a good impression on his own boss and may direct the young officer to falsify reports to eliminate evidence of disciplinary problems within the battalion. The young officer faces a difficult choice: either resist the institutional pressure to falsify the report, effectively destroying his career, or compromise his ethical integrity and agree to the demands to submit fraudulent data.

There is probably no more striking illustration of the damage that such a culture of dishonesty can cause to national interests than the pervasiveness of false reporting that characterized the Vietnam War. Beginning with the deception that enabled the passage of the Gulf of Tonkin resolution, the prosecution of the Vietnam War was plagued by an institutional mendacity that not only condoned, but also demanded that officers falsify reports in order to portray a picture of the war that conformed to the statistical predictions of the Secretary of Defense, Robert McNamara.

This pervasive culture of dishonesty began with the Chairman of the Joint Chiefs of Staff, General Maxwell Taylor. Taylor, a retired army general, was an intimate of President John F.

Kennedy and served as his military advisor during Kennedy's campaign for the presidency, a service for which Taylor was rewarded with an appointment as Chairman of the Joint Chiefs of Staff (JCS). Unfortunately, Taylor allowed concerns for his own career and his personal relationship with the President to eclipse his primary duty, which was to provide the President with unbiased military advice and to represent the views of his fellow JCS colleagues in an impartial manner.[53] Instead, as H. R. McMaster observes of Taylor in his landmark study:

> When he found it expedient to do so, he [Taylor] misled the JCS, the press and the NSC. He deliberately relegated his fellow military officers to a position of little influence and assisted [Defense Secretary Robert] McNamara in suppressing JCS objections to the concept of graduated pressure. To keep the Chiefs from expressing dissenting views, he helped to craft a relationship based on distrust and deceit in which the president obscured the finality of decisions and made false promises that the JCS conception of the war might one day be realized.[54]

From the start, the members of the JCS strenuously opposed conventional military involvement in Southeast Asia, viewing the situation in Vietnam as being at the extreme periphery of U.S. national interest.[55] However, this view did not mesh with the preconceived notions of Kennedy and his senior advisors. To quell dissent among the service chiefs and attain their acquiescence to White House policy demands, Kennedy instituted a reorganization among the military service chiefs, forcing some members to retire before their full tours were completed. Instead of using his position to protest Kennedy's action, Taylor quietly acquiesced, recommending the appointment of generals whom he felt would be more amenable to the administration's view of how the war in Vietnam was to be conducted.[56]

This lack of tolerance for legitimate dissent at the highest levels of the military command structure would end up reverberating far beyond the Pentagon and foster a culture of false

---

[53] After he completed his tour as Chairman of the Joint Chiefs of Staff, Taylor was appointed ambassador to South Vietnam.
[54] Thomas E. Ricks, *The Generals* (New York: Penguin Press: 2012), 228-229.
[55] Ibid., 222.
[56] H.R. McMaster, *Dereliction of Duty: Lyndon Johnson, Robert McNamara, The Joint Chiefs of Staff and The Lies That Led to Vietnam* (New York: HarperCollins: 1997), 22-23.

reporting that would undermine accurate assessments of the progress of the war. Secretary of Defense Robert McNamara and his staff approached the conflict with the view that the United States could win a war of attrition with the Vietcong. The method chosen to quantify the success of this strategy was by tracking the numbers of dead Viet Cong guerillas and North Vietnamese soldiers, a practice commonly referred to as "body counts." As a result, undue emphasis was placed on estimating the numbers of enemy killed instead of pacifying and winning over the local peasantry, a strategy successfully applied by the British in overcoming their own insurgency crisis in Malaysia.

As the war progressed, feedback from field commanders revealed that McNamara's faith in his attrition strategy was misplaced. Unfortunately, field reports that undermined the positive perception of the official attrition strategy were greeted by McNamara and his senior officials with outright disbelief and hostility. Officers quickly learned that any reports that deviated from the preconceived notions of McNamara and his team of systems analysts would be severely rebuffed. Sadly, rather than resisting the institutional pressure to tailor their reporting to support preconceived notions of strategic success, senior military leadership folded under the pressure. Instead, senior commanders endorsed a system of reporting that encouraged reports that inflated the numbers of enemy dead and hid other important truths of what was really happening in the Vietnamese countryside. These misleading reports led to an excessively optimistic assessment of the military situation in Vietnam, not only among the military high command but also among the American people. This bubble of unwarranted optimism was decisively burst at 3 a.m. on January 31, 1968 when eighty-thousand Communist guerillas

violated the Tet ceasefire agreement and launched simultaneous attacks on Saigon, thirty-nine province capitals, and seventy-one district capitals.[57]

Militarily, Tet was a disaster for the Vietcong and their North Vietnamese sponsors, exacting a cost of about 58,000 dead.[58] Nevertheless, it resulted in one unforeseen benefit for the Communist forces, which was its public relations impact on the American public, who had been led to believe that McNamara's attrition strategy was working and that the end of the war was in sight. The ferocity and scale of the Communist attacks exposed the edifice of lies built up over years of false reporting and revealed the culture of deceit that lay at the heart of the prosecution of the war. To make matters worse, the American public's negative perception of the military was magnified when the attempts of senior army officers to cover up the details of the My Lai massacre. As a result of these and other acts of duplicity, the support of the American people for the war was irreparably undermined and U.S. commitment to South Vietnam diminished from that time forward, with tragic consequences for America's South Vietnamese allies.

Over time, many of the worst excesses of the Vietnam era were corrected and the prevalence of fraudulent reporting has decreased dramatically since Vietnam. Any positive results that have been achieved in Iraq and Afghanistan are attributable to accurate and honest reporting up the chain of command, even at the risk of evoking the ire of senior generals and administration officials. However, more emphasis needs to be placed on reducing incidents of fraudulent reporting as even isolated cases erode the ethical foundation of an institution.

---

[57] Ricks, *The Generals,* 285.
[58] Ibid., 288.

1.4.2 Obedience

The character flaws of officers and senior NCOs are magnified by the military's culture of obedience. Officers and NCOs wield an enormous amount of power over their soldiers' lives in terms of bestowing favorable performance evaluations as well as possessing the authority to impose a wide variety of sanctions for noncompliance. All of these factors combine to form a climate of obedience that permeates military culture. An inclination towards obedience is not unique to the armed forces. As Stanley Milgram demonstrated, even civilians can be induced to obey the inhumane orders of those they perceive as authority figures and military training has the effect of reinforcing this inherent human tendency. From the moment soldiers arrive at recruit training, they are indoctrinated with the trait of unquestioning obedience to orders supported by the justification that their lives and those of their comrades will one day depend on it. Naturally, there are times when unquestioning obedience is an absolute necessity; effective combat operations would be impossible without it. Nevertheless there is a time and a place for such obedience and military professionals need to possess the capacity to distinguish when unquestioning obedience is warranted and when there is time for deliberation and debate.

Allied with ethical leadership, the trait of obedience is of inestimable worth. Unfortunately, obedience, unaccompanied by the capacity for sound moral reasoning, exacerbates the effects of unethical leadership by facilitating the transmission of a leader's immoral intentions into action. This tragic effect of unreflective obedience to immoral orders was amply demonstrated at the My Lai massacre, described in detail above. Of the soldiers involved in the massacre, only the platoon leader, Lieutenant William Calley, ever stood trial. At trial, Calley tried to justify his actions by resorting to the classic 'Nuremberg defense' employed by Nazi war criminals, stating that he was merely following the orders of his

superiors. The presiding judge, Lieutenant Colonel Reid W. Kennedy, rejected Calley's defense strategy with the following comments:

> Soldiers are taught to follow orders and special attention is given to obedience of orders on the battlefield. Military effectiveness depends on obedience to orders. On the other hand, the obedience of a soldier is not the obedience of an automaton. A soldier is a reasoning agent, obliged to respond, not as a machine, but as a person. The law takes these factors into account in assessing criminal responsibility for acts done in compliance with illegal orders.
>
> The acts of a subordinate done in compliance with an unlawful order given him by his superior are excused and impose no criminal liability upon him unless the superior's order is one which a man of ordinary sense and understanding would, under the circumstances, know to be unlawful, or if the order in question is actually known to the accused to be unlawful.[59]

Kennedy correctly observed that soldiers are competent moral agents in their own right, with the capacity to discern immoral acts and acknowledges that they should be held accountable for carrying out orders which "a man of ordinary sense and understanding" would know to be unlawful.[60]

However, the question remains as to how Kennedy's requirement can be objectively satisfied. Murdering defenseless civilians and babes in their mothers' arms obviously qualifies as an act that is within the capacity of soldiers with an "ordinary sense and understanding" to discern as unlawful. But what about acts that are less obviously egregious? In the absence of written guidance, or the time to consult it, one method that has been suggested for distinguishing lawful from unlawful orders is to define unlawful acts as those that evoke a special sense of revulsion. However, even obedience to lawful orders can often evoke revulsion, so this is not necessarily the most reliable guide to what is or is not a lawful order. As Mark Osiel observes:

> Warfare is a social practice the very nature of which places its practitioners momentarily beyond good and evil, making them partially exempt from the normative regulation that exists in all other contexts. War, especially a just war, morally authorizes people to engage in acts that would obviously be criminal under any other

---

[59] Ibid., 121.

[60] By this standard, every man in Calley's platoon who participated in the atrocity should have received an dishonorable discharge and a lengthy prison sentence. Calley was the only soldier convicted of a war crime in association with the My Lai massacre.

> circumstances. The normal moral intuitions of peacetime about right and wrong offer little purchase on practical deliberation in combat. The law would be wrong to conclusively presume the contrary.[61]

Just as the proximity of a magnetic pole affects the accuracy of a compass, war can distort a soldier's moral sense, making his normative conceptions of right and wrong appear unreliable. Complicating things further, the laws of war can often appear Byzantine, particularly to a nineteen-year-old army private, who may only possess a sixth grade reading level.[62] When the stress and confusion that are inherent components of war are added to the mix, it suddenly opens up a wide range of acts for which it is difficult to hold a soldier entirely culpable. While military law does not grant soldiers the latitude to disengage their consciences, when junior soldiers are tried for the commission of war crimes, military courts traditionally have viewed their culpability as mitigated by several circumstances: the extent to which they were following orders; whether the exigencies of the combat environment placed severe time constraints on moral deliberation and whether their orders represented such an egregious violation of ethical standards that a soldier of normal cognitive ability could have discerned their unlawful nature.[63]

Military law is sometimes more forgiving than a soldier's own conscience. With the exception of Lieutenant Calley, none of the soldiers who took part in the massacre at My Lai ever faced trial or spent a day in prison. However, many have been tortured by their consciences for years and still do not know any peace. The law cannot address every eventuality and a certain amount of ambiguity will often have to be accepted when determining whether an order represents an egregious moral violation, such that a soldier is justified in disobeying it. This consideration underscores the importance of soldiers possessing moral

---

[61] Mark J. Osiel, *Obeying Orders* (New Brunswick: Transaction Publishers, 1999), 114.
[62] It should not be inferred from this that the average enlisted soldier is uneducated or cognitively challenged. Many are highly educated. However, the fact remains that just as many soldiers enter the service with serious educational deficiencies.
[63] Osiel, *Obeying Orders*, 140.

character and the practical reason that is a central component of it. For his own ethical well-being, a soldier needs to possess the character and reason to look beyond what the law says in a particular instance, a standard which is often shockingly low, and develop the sense for what morality requires of him.

1.4.3 Loyalty

Loyalty, the sense of allegiance one feels towards a principle, group or individual, is, after courage, viewed as the most quintessential "military virtue" and it is held in high regard throughout the armed forces. This is reflected in the oath of service American soldiers take in which they pledge their allegiance to the U.S. Constitution. Unfortunately, after taking their initial oath, soldiers receive little formal instruction on the meaning and significance of the constitutional principles to which they've pledged their allegiance. Instead, the primary focus of training is on developing strong bonds of loyalty between soldiers and their peers. Soldiers' sense of loyalty to their comrades is part of what motivates them to endure the hardships of war. Because of this, establishing these bonds of allegiance between soldiers is an indispensable requirement for any effective military unit.

Outside of the military, loyalty is viewed with more ambivalence. Some philosophers describe loyalty as a "grey" virtue; part of what gives loyalty this ambiguous quality is the ease with which it can be turned to serve both good and bad causes.[64] In particular, the complex emotional nature of loyalty to groups and individuals often clouds moral judgment, giving clear-cut tests of integrity the appearance of genuine ethical dilemmas.[65] Regrettably, much of the unethical conduct that plagues the military comes from the confusion caused when loyalty to

---

[64] Peter Olsthoorn, *Ethics and the Military Virtues* (New York: Routledge: 2011), 72.
[65] Stephan Coleman, "Duty and Loyalty," *Journal of Military Ethics,* Vol. 8, No. 2, 112.

principles and loyalty to a group (or an individual) conflict. Michael Walzer has characterized the differing nature of these loyalties as "thin" and "thick."[66] Thin loyalties generally are directed towards principles and tend to be less emotionally powerful than thick loyalties. Conversely, thick loyalties, directed towards groups and individuals, are often based on sentiment and tend to exert a much stronger pull on moral deliberation, a view that is reflected in E.M. Forester's comment, "If I had to choose between betraying my country and betraying my friend, I hope I should have the guts to betray my country."[67]

Like obedience, the inclination to favor thick loyalties over thin is a human trait that is amplified by military training. Above all else, combat training is designed to foster a sense of mutual reliance among soldiers. Soldiers' survival is dependent on how well they integrate as a team and the hardships and challenges they overcome during training forges unusually strong bonds of loyalty. These ties are only strengthened by combat experience, often to the extent that they eclipse more abstract and less emotionally powerful allegiances. As Richard Rorty observes, "The tougher things get, the more ties of loyalty to those near at hand tighten and those to everyone else slacken."[68]

Unfortunately, loyalty is highly susceptible to perversion, as it often requires a willingness to suspend one's better judgment.[69] In particular, the emotions evoked by group allegiances often create misguided conceptions of what loyalty requires and exert a distorting affect on soldiers' moral reasoning. For instance, many soldiers have perjured themselves believing that loyalty to their comrades demands it, even when they stand accused of the most serious crimes.

---

[66] Olsthoorn, 74.
[67] E.M. Forster, *Two Cheers for Democracy (*New York: Harcourt,1951), 34.
[68] Richard Rorty. "Justice as Larger Loyalty" *Ethical Perspective,* Vol. 4 No. 3, 139-151.
[69] Olsthoorn, 69.

Military training exalts the welfare of the group over that of the individual and anything perceived as a threat to the identity of the group is represented as threat to the identity of the individuals who compose the group. Most soldiers' sense of identity is vitally bound up with their membership in their military unit; one of the worst things a soldier can suffer is the ostracism of his comrades. Tied to this loss of identity is the legitimate concern that if the soldier places the members of his unit in legal jeopardy by choosing loyalty to a principle or to an oath, over loyalty to his comrades, he could find himself left unsupported and vulnerable during combat. Compared with the emotional pull of group and individual allegiances, loyalty to abstract principles such as those embodied in the Constitution often appears insignificant. The emotional power of certain personal loyalties has been formally recognized and codified in law; for instance, spouses cannot be subpoenaed to testify against one another in a legal proceeding.

Loyalty is a complicated trait and misunderstandings about which loyalties deserve to be honored at the expense of others have caused many soldiers to make poor ethical decisions. A classic example of this type of mistake in ethical reasoning is exemplified by the Iran Contra scandal. While there is controversy as to whether direct orders for the operation originated in the Oval Office, President Ronald Reagan's national security advisor, Robert McFarlane, and his assistant and successor as national security advisor, Vice Admiral John Poindexter, authorized an action officer on the National Security Council (NSC) staff, Lieutenant Colonel Oliver North, to supervise the sale of arms to Iran as part of an agreement to secure the release of American hostages held in Lebanon. [70] McFarlane and Poindexter further authorized North to use the proceeds from the arms sales to fund a Nicaraguan insurgent group, the Contras, in direct

---

[70] Robert Timberg, *The Nightingale's Song* (New York: Touchstone, 1995), 415-418; 430.

violation of the Boland amendment, which prohibited aid to the rebel group.[71] Once these unlawful activities became public, McFarlane, Poindexter and North were called before Congress to testify. During their testimony, all three perjured themselves and were subsequently convicted on a variety of felony charges.[72] There is no doubt that through their activities all three men betrayed their oath to preserve and defend the Constitution, an oath that, among other things, requires respect for Congress' constitutional authority to shape foreign policy.

One of the most unsettling aspects of this scandal is that at the heart of it were three individuals who should have known better, especially given their education and training. These were not junior soldiers, but educated military professionals with over sixty years of experience among them. All were Naval Academy graduates and had been trained to abide by an honor code that demands the highest ethical standards.[73]

While it is impossible to untangle all the various motives each man had for doing what he did, it is possible to develop some well-informed opinions based on testimony and interviews given by all three men. Undoubtedly, the habit of obedience, heightened by years of military service, was partly to blame. However, the best explanation for their ethical misjudgment was that all three were led astray by a mistaken perception that they faced an ethical dilemma involving conflicting loyalties. If testimony by Oliver North is to be taken at face value, he and his compatriots acted out of a deep loyalty to the principles of freedom and democracy for which they believed the Contra's fought and which they apparently saw as taking precedence over the

---

[71] Ibid., 415.
[72] Ibid., 468. The convictions of all three were later overturned on various legal technicalities.
[73] The egregious lack of awareness all three officers displayed towards their ethical responsibilities was partly responsible for the revision of the ethics and leadership curriculum at the U.S. Naval Academy, which now requires a course on ethics and moral reasoning.

loyalty they owed to the U.S. Constitution. However, both of these loyalties are relatively abstract and it would be a mistake to view the unethical conduct of the Iran Contra conspirators as motivated purely by a conflict between thin allegiances.[74] It is reasonable to suppose that the ethical deliberations of all three men were unduly influenced by a strong sense of personal loyalty towards Ronald Reagan, both in his role as the Commander-in-Chief of the armed forces, and also based on personal affection for him.

However, when one takes a closer look at the careers of these three officers, it becomes clear that they were all motivated to varying degrees by thick loyalties forged during the Vietnam War.[75] This is particularly true of McFarlane and North, both of whom were Vietnam veterans and viewed America's withdrawal from Southeast Asia as not only a betrayal of America's South Vietnamese allies but as a nullification of the sacrifice of every American who fought and died in Vietnam.[76] The thick loyalties these men forged in Vietnam were reawakened by the plight of the Nicaraguan Contras who, in the view of McFarlane, Poindexter and North, were being abandoned by Congress in the same way that Congress had abandoned the South Vietnamese. As H.R. McMaster observes, sacrifices made in war create an emotional dynamic that often overpowers rational analysis.[77] For McFarlane, Poindexter and North, the personal loyalty they felt for the ghosts of their fallen comrades overshadowed their more abstract loyalty to the Constitution.

The example of the Iran-Contra conspirators is instructive because it demonstrates the debilitating effect that a misguided concept of loyalty can exert on even seasoned military

---

[74] This is one instance where the behavior in question might be defined narrowly as unethical and not immoral. In fact, the U.S. Congress had funded the Contras for years before cutting off aid and subsequently passed legislation that reestablished funding for the guerilla group.
[75] Timberg, 429-430.
[76] Ibid., 254-255.
[77] McMaster, 327.

professionals. McFarlane, Poindexter and North abandoned the principles they were sworn to uphold, provided advanced weaponry to a sworn enemy of the United States and knowingly risked public humiliation and prison by their questionable decision to honor thick allegiances over thin. If officers of their background and experience can, despite the best of intentions, error so badly, then the task of making ethical decisions in the face of conflicting loyalties is even more daunting for junior soldiers who often lack experience and education in discerning when certain thick allegiances should be honored and when thin loyalties need to take precedence.

1.5 Summary

Clearly, soldiers face numerous ethical challenges. They suffer from sleep deprivation, hunger and thirst, all of which degrade their cognitive abilities, affecting how they reason about ethical problems. Additionally, there are the involuntary neurological responses that arise during combat that also cloud soldiers' rational abilities. War also easily evokes emotions such as fear and rage that undermine ethical conduct. If this were not enough, there are the additional ethical challenges that plague any large institution: poor leadership, a culture of dishonesty, an emphasis on unreflective obedience, as well as the problems involved with conflicting loyalties.

Having laid out the challenges soldiers face, the next question is how the military can enable soldiers to meet these challenges with some hope of success. In formulating an answer to this question, it is important to retain a sense of perspective; given the nature of war, as well as the imperfectability of human beings, the problem of unethical conduct is ineradicable. However, this is no reason to think that it is not possible to reduce incidents of the behavior described above. At the start of this discussion, I asserted that Aristotelian virtue theory possesses the

resources to address these problems and affect changes in soldiers' ethical behavior. If one looks closely at the challenges described above, as well as how soldiers respond to them, two things become clear. One is that many soldiers do not possess the ethical dispositions required to inform their actions. The other is that they often demonstrate an appalling deficiency in the way in which the reason about ethical problems.

In the following chapters, I will argue that Aristotelian virtue theory, particularly its emphasis on the development of moral character, provides the resources to address these deficiencies. In Chapter Two, I describe four of the specific features of virtue theory that contribute to moral character and how they directly address the challenges to ethical conduct described above. In Chapter Three, I discuss three ethically ambiguous character traits that are at the source of a great deal of unethical conduct, obedience, loyalty and respect, and argue that the development of practical reason, particularly a proper understanding of respect, can alleviate many of the ethical problems these traits foment. In Chapter Four, I explore the role of the military's professional military ethic in motivating ethical behavior, and how a more comprehensive understanding of the elements of virtue theory described in Chapter Two can improve the way it functions in guiding ethical behavior. Finally, in Chapter Five, I discuss the importance of a virtue-centric ethics education to developing the ethical dispositions and practical reason that are the foundations of moral character.

Chapter Two:

Virtue as the Foundation of Moral Excellence

2.1 Introduction

The question of how best to promote ethical conduct is central to moral philosophy. Some philosophers, approaching the problem as one of right action, have advanced theories that purport to cut through the complexity and ambiguity that often accompany moral deliberation and illuminate the fundamental principles that underpin morality. The formulation of ethical theories and principles is partly motivated by the belief that they will provide a compass by which we can navigate our way to the most ethical solution to a moral problem. Many of these theories articulate significant insights; however, theories focused on right action take for granted an agent possessing the virtuous character required for sincere moral deliberation, as well as the practical wisdom and moral fortitude necessary for turning that deliberation into action.

While the preceding observation captures an essential aspect of the relationship between moral character and moral principles, ethical theories generally portray character as secondary to principle when, in fact, principle is subordinate to character for three fundamental reasons. First, the formulation of moral principles requires that one actually care about morality and have a sincere interest in determining what the morally correct action is in any given situation. It is unlikely that anyone would go to the trouble of developing principles for a subject about which he did not care deeply. While caring about morality is not synonymous with moral character, it is an important component of it and may be taken as an indication that at least the rudiments of moral character are present. Second, formulating ethical principles requires moral sensitivity and wisdom, both of which are fundamental components of character. Moral sensitivity

requires the possession of emotions and dispositions that enable us to recognize the ethical nature of a situation.

Finally, the application of moral principles to actual ethical problems requires as much moral sensitivity and wisdom as that which goes into the formulation of the principles themselves. For example, is maximizing aggregate happiness the best way to resolve a particular ethical problem? If so, what are the different circumstances that need to be taken into account to best accomplish this goal? The same sensitivity and judgment is required to determine whether a moral maxim can be universalized and how to treat other humans as ends and not merely as means to an end. So, while it would be wrong to discount the contributions made by normative theory, any discussion about promoting moral behavior must first be grounded in a comprehensive understanding of virtue and character. Aristotelian virtue ethics, which treats virtue as primary, rather than secondary, is well suited to explicating the type of character required for moral excellence. However, to appreciate what virtue ethics contributes to the development of moral excellence it is first necessary to understand its fundamental components.

Virtue ethics is enjoying an extended renaissance after a long period of dormancy. While this renewed interest has led to a variety of modern interpretations, most are grounded in Aristotle's original account. However, Aristotle's ethical theory is exceptionally broad in scope and a discussion of even its foundational elements will become unwieldy without some overarching purpose to provide focus. In Chapter One, I described the moral challenges that confront soldiers in combat, which often causes them to give undue weight to military necessity

over considerations of discrimination and proportionality.[78] In light of this, the discussion will focus on the elements of Aristotle's virtue theory that contribute to a soldier's ability in overcoming these ethical challenges through the way in which they accomplish the following four objectives: provide a motivationally efficacious end towards which moral action can directed; provide a flexible, non-dogmatic account of virtue that is sensitive to the unique pressures that soldiers face; demonstrate the importance of the integrated display of virtue to the goal of moral excellence; and provide an account of how virtuous character can be developed and maintained.

It goes without saying that the end of moral action should be one that transcends the natural desire to avoid punishment, as the motivational efficacy of such an end is attenuated in situations in which we believe that our activities will not be discovered. At the same time, a component of moral character is the capacity to resist the often corrosive influence group dynamics and pressures. If moral action is tied to an end upon which soldiers personally place value, then it stands to reason they will be far more motivated to act in a morally appropriate manner, without the threat of punishment or the promise of reward**.**

It is an advantage of Aristotelian virtue theory that it provides such an end, which is grounded in the concept of human well-being. In *The Nichomachean Ethics*, Aristotle begins

---

[78] Michael Walzer, *Just and Unjust Wars* (New York: Basic, 1977). In accordance with the tenets of just war theory that are observed by the international community, ethical military decision-making requires balance between three fundamental considerations: military necessity, discrimination and proportionality. Military necessity involves making a determination whether the objective of an operation is essential to accomplishing the broader objective for which the war is being fought. Discrimination involves making determination about which persons qualify for consideration as noncombatants and designing military operations that will have a minimal impact on their welfare. Military operations should be planned in such a way that they minimize noncombatant casualties. Proportionality involves using just the level of military force needed to accomplish the objective, and no more. For instance, it is unethical to order an artillery bombardment that destroys an entire city when the goal is to destroy one militarily significant factory that happens to lie within the city limits. War often dredges up counterproductive emotions such rage and revenge toward enemy noncombatant populations that cause soldiers to discount their responsibility to weigh considerations of discrimination and proportionality.

his discussion by identifying eudaimonia, or happiness, as the good to which all other human goods are subordinate. Unfortunately the identification of eudaimonia with happiness can be misleading, particularly in light of modern conceptions of happiness as a mental state arising from the satisfaction of hedonic desires. Viewed from this perspective, happiness fails to portray the holistic nature of eudaimonia, a concept that involves all of the different aspects of one's life working in harmony. The promotion of well-being as the highest human good is directly related to virtue because the virtues are just those excellences of behavior that contribute to living the sort of life that promotes well-being.

While the essential relationship between well-being and the exercise of virtue is central to Aristotelian ethics, it is also cause for some concerns. Aristotle believes that humans, like other animals, possess a specific nature that effectively constrains the types of choices that contribute to their well-being. However, the idea that all humans (over seven billion at last count) share a fundamental nature that somehow governs their moral choices is controversial, as is the suggestion that there can be one concept of human well-being towards which all human activity should strive.

The challenge the modern proponent of virtue ethics faces is addressing these concerns in a way that takes into account the variety of human experience while offering a convincing demonstration of how a life committed to virtue is one that is functionally good for modern humans.[79] This is an aspect of virtue theory that is not just of theoretical interest but has real practical consequences since establishing the importance of virtue to a functionally good human life is critical to persuading those who are unconvinced of the value of virtuous behavior, especially under circumstances that force us to make painful choices.

---

[79] Christine McKinnon, *Character, Virtue Theories and the Vices* (Broad View Press: Ontario, 1999), 1.

Second, situational factors exert a significant and, often unrecognized, influence on moral behavior, particularly in combat, where soldiers face almost unimaginable pressure to act in ways contrary to their ethical upbringing. An advantage that virtue theory brings to military ethics is an account of the moral virtues that is responsive to context and circumstance. Rather than focusing on the application of immutable principles to fluid and unique situations, virtue ethics emphasizes the development of practical reason, a skill that is especially helpful in cases where the observance of the ethical rules that usually form the foundation of a soldier's ethical training no longer seem applicable.

Along with providing a realistic account of the individual virtues, virtue theory's third contribution to military ethics is through articulating a persuasive argument for the holistic nature of the moral virtues. On this account, the moral virtues form an interrelated network in which reliably practicing one virtue depends upon exercising others. Such an account is particularly helpful in preparing soldiers for roles in peacekeeping and counterinsurgency conflicts, where virtues that are not typically considered militarily relevant take on added importance.

The military draws recruits from all walks of life and with varying degrees of ethical development. It is from this raw material that the military must produce soldiers that are capable of ethical behavior under the most challenging circumstances. In light of this, the fourth element of virtue theory that will be discussed is Aristotle's conception of moral education and its contribution to military ethics. Of particular interest is Aristotle's analogy between the development of moral character and developing ability at a complex skill such as art or music. Viewing the development of character in terms of the acquisition of a skill moves it from the

abstract realm of theory to that of practical knowledge that is more accessible to the average soldier.

The preceding observations constitute just a brief sketch of four elements of Aristotelian virtue theory and much more needs to be said about each one and how it contributes to military ethics. While all four elements are important in promoting moral behavior, perhaps the most foundational is how the exercise of the moral virtues contributes to realizing the Aristotelian concept of eudaimonia.

2.2 The Contribution of Virtue to Human Well-Being

It is no less true for being a cliché that our character is, at least partially, defined by what we do when no one is watching. In light of this, the end of moral action should be one that transcends the natural desire to avoid punishment, as the motivational efficacy of such an end is attenuated in situations in which we believe that our activities will not be discovered. At the same time, an important component of moral character is the capacity to resist the sometimes deleterious influence of group dynamics and pressures. However, if ethical behavior can be shown to contribute to an end upon which soldiers place value, one that transcends external praise or censure, it stands to reason that they will be far more motivated to act in a morally appropriate manner.

It is an advantage of Aristotelian virtue theory that it provides such an end. One of the purposes of Aristotle's ethical inquiry is to ascertain what constitutes the "highest good," that good to which all other goods are subordinate. Aristotle acknowledges that there are many competing conceptions concerning what is, in fact, the highest good. Despite the variety of answers apt to given, Aristotle proposes that the highest good can be identified as follows:

> Clearly not all ends are final ends; but the chief good is evidently something final. Therefore, if there is only one final end, this will be what we are seeking, and if there are more than one, the most final of these will be

> what we are seeking. Now we call that which is in itself worthy of pursuit more final than that which is worthy of pursuit for the sake of something else, and that which is never desirable for the sake of something else more final than the things that are desirable both in themselves and for the sake of that other thing and therefore we call final without qualification that which is always desirable in itself and never for the sake of something else. Now such a thing happiness, above all else, is held to be; for this we choose always for itself and never for the sake of something else.[80]

On Aristotle's analysis, the chief or highest good possesses three primary characteristics. First, it must be desirable in its own right. Second, the desirability of the highest good cannot be predicated on the desirability of some other good and, third, all other goods must be desirable for the sake of the highest good. Aristotle identifies happiness as the only good that satisfies all three of these requirements.

The rationale for placing happiness at the pinnacle of human goods becomes clearer when we look at other things often assumed to represent the highest good and determine what disqualifies them from consideration. For instance, while many people conduct their lives as though the attainment of wealth represents the highest good, no one, not even a miser, accumulates wealth purely for its own sake, but rather for what she perceives wealth contributes to her happiness. From this perspective, wealth fails to satisfy both Aristotle's first and second conditions, since wealth is not desired for its own sake and it derives its desirability for the sake of some other thing.[81] Furthermore, other things commonly identified as human goods, such as health, honor and friendship are not desirable for the sake of wealth.

Initially, health appears to be a plausible candidate for consideration as the highest good. It is certainly desirable in and of itself, thus satisfying Aristotle's first condition. Health also seems to meet Aristotle's second condition, as the desirability of health is not predicated on the

---

[80] Aristotle, *The Nicomachean Ethics,* trans. David Ross (Oxford University Press: Oxford, 2009), I.7 1097a28-37.

[81] While misers acquire and hoard money, seemingly for its own sake, they do so under the mistaken the belief that the mere accumulation of wealth will bring them happiness. On Aristotle's account wealth and material possession contribute to happiness by the fact that they allow one to exercise other virtues such as liberality and magnificence, as well as provide the minimum standards for maintaining health and physical well being.

desirability of some other thing. However, Aristotle argues that to be considered the highest good, something must be good for its own sake and for nothing else. [Emphasis added] While good health is desirable for its own sake, it is also desirable for happiness. For instance, it is difficult to be truly happy if one is chronically ill. However, happiness is not necessarily a component of good health, at least not in the physical sense. Not only is health subordinate to happiness, the desirability of all other goods is not desirable for the sake of health. So, while health is prized for its own sake, it doesn't meet all of Aristotle's requirements for consideration as the highest good.

Some cultures promote the concept of honor, either invested in the individual or the group, as the highest good. However, honor derives its worth from the external validation of others, a feature that is contrary to what the highest good should represent for, as Aristotle observes, "The good we divine to be something of one's own and not easily taken from one."[82] A distinction such as honor, which can be easily bestowed and arbitrarily taken away, is too transitory and cannot represent the highest good.

While this process could be continued for many other human goods, such an exhaustive analysis is beyond the scope of this discussion. However, when commonly acknowledged human goods are measured against Aristotle's three fundamental conditions, happiness emerges as the only good that consistently satisfies all three requirements.

Initially, it may seem odd for Aristotle to identify happiness as the highest good, particularly since modern conceptions of happiness are often narrowly identified with the satisfaction of material desires, a view of happiness that is not only superficial but also highly sensitive to the vicissitudes of life. From this perspective, happiness appears to be as transitory and unstable an

---

[82] Ibid., I.6 1095b25.

end as honor, wealth or good health. However, the concept of happiness that forms the basis of Aristotelian virtue theory is far more than a shallow, psychological state. Rather, happiness is a modern rendering of the ancient Greek concept of *eudaimonia*, a term that resists exact translation although the terms 'flourishing' and 'living well' come close to capturing its meaning, especially as both words denote action and convey the sense in which *eudaimonia* is essentially concerned with activity.[83] For *eudaimonia* is not merely a passive state of psychological contentment, but an active process concerned with living a life in which *arete*, the pursuit of excellence, plays a central role.

The ancient Greeks were devoted to the pursuit of excellence in all aspects of life and the term *arete* was generally applied to anything that performed its function well. From an Aristotelian perspective, all living things, as well as man-made objects, have a *telos*, translated as a purpose, function or an end, that can be performed well or poorly. A knife can possess *arete* in that it performs its function of cutting in a superior manner. Likewise, the artisan who fashions the knife possesses *arete* by virtue of his craftsmanship. Just as a tool or an artisan has a purpose through the performance of which excellence can be displayed, Aristotle asserts that human beings also have a unique function that sets them apart from all other living things.[84]

In making this argument, Aristotle observes that biological entities possess a nutritive capacity as well as the capacity for reproduction. A smaller set of biological entities also possesses the capacity for locomotion and perception. Along with these capacities, a much smaller subset has the capacity for a limited degree of cognition. However, only humans possess the capacity for guiding our actions through the use of reason and this sets us apart and

---

[83] Kraut, Richard, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2012/entries/aristotle-ethics/>.

[84] Aristotle, *The Nicomachean Ethics*, I.7 1098a1-6.

gives us our special function. It is through reasoning well that we display the excellence that is unique to our species and which, in turn, promotes well-being.

Given the human ability to guide our actions through reason, the form of excellence required for living well is also unique. Living well requires the rational ability to determine how the human goods discussed above contribute to well-being in the way in which we display excellence through the management of our material possessions, caring for our health and in our behavior towards others. It is just these excellences, guided by reason and exhibited through a well-lived life in all its various facets, that are synonymous with the virtues. So, given these considerations, well-being, identified as the highest human good, consists of living a life guided by reason in accordance with virtue.[85]

A legacy of Aristotle's ethical theory is that most modern interpretations of virtue ethics are 'naturalistic' in some way, positing that living a moral life is grounded in facts about human nature. For instance, Philippa Foote argues that by observing how humans characteristically live and what they need to flourish, we can derive ethical norms meant to govern how we should live.[86] Rosalind Hursthouse defends a concept of virtue theory that is similarly naturalistic in that the virtues are those acquired traits that allow those persons that possess them to function well in relation to certain natural ends.[87]

Despite the various interpretations of naturalism that have been developed, the following discussion will focus more narrowly to objections to the original Aristotelian form of 'moral naturalism,' which faces a number of challenges. For instance, when thinking about Aristotle's ethical theory and its implications for how we should live, it is important to keep in mind that the

---

[85] Ibid., I.7 1098a16-18.
[86] Philippa Foote, *Natural Goodness* (Oxford: Clarendon Press, 2001), 42-43.
[87] Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), 208.

intended beneficiaries of Aristotle's ethical theory were young men from aristocratic Athenian families. At the time Aristotle wrote, Athens was a homogeneous society that practiced slavery and in which women were considered intellectually inferior to men. These social circumstances undoubtedly were instrumental in shaping Aristotle's ethical perspective, particularly his assertion that only a circumscribed range of choices, moral and non-moral, contribute to a form of well-being that is unavailable to women and slaves, or indeed anyone that did not belong to the Greek polis.[88] Considering this, in order for well-being to serve as a basis for moral behavior, a more expansive concept of well-being needs to be articulated, one that accounts for the many variables that constitute life in a modern, pluralistic society.

2.3 Objections To Moral Naturalism

Moral naturalism generates some worries, particularly the form of teleological naturalism that Aristotle espouses. While some teleological approaches view the natural world as a product of a purposeful design, which implies the existence of a deity or 'Master Designer,' the existence of a deity is not a requirement of a teleological naturalism and Aristotle himself does not endorse it. Instead, Aristotle proposes that final ends are produced by principles acting from within living things themselves, "For those things are natural which, by a continuous movement originated from an internal principle, arrive at some completion."[89] On this view, as humans we possess a purpose that all our natural traits and dispositions work to realize. However, teleological accounts of biology are contradicted by modern theories of evolution and

---

[88] Ibid., xi. As David Ross comments on Aristotle's ethical theory, "Happiness is available only to those whose age, gender and civic status allow them to pursue a life of the excellent activities that make it up." For Aristotle, women lack the essential intellectual ability to reason in a way that was conducive to flourishing fully in the way that is available to a man. Furthermore, those who were slaves were also intellectually handicapped to the degree that true flourishing was unavailable to them as well.

[89] Aristotle, *Physics,* trans. Richard McKeon from *The Basic Works of Aristotle* (Random House: New York, 1941), 251. II.8 199b15-17.

natural selection, which suggest that, insofar that any living thing possesses a nature, it develops in response to stimuli originating from the organism's external environment, not from some mysterious inner purpose or principle. If this is correct, and scientific evidence suggests that it is, then there is no design inherently built into the structure of the natural world.

A further problem with teleological naturalism is that it seems to be committed to the view that all of our natural traits and dispositions are either good, or else aim for our own good in some way.[90] This assertion can be argued convincingly in the case of the lower animals. However, it is difficult to see how inherently human, but immoral, traits such as rage, greed and selfishness can be reconciled with an account of human well-being in which the moral virtues have such a prominent role.[91]

A third objection to teleological moral naturalism is the charge that it endorses an unrealistically narrow range of choices that can contribute to a well-lived life.[92] Setting aside concerns about teleological explanations, it is a relatively uncontroversial assertion that biological entities possess distinct natures that require them to exhibit certain traits and behavioral patterns in order to flourish. For instance, all living things have particular nutritive requirements that have to be met in order for them to survive and propagate, and many species require some form of social structure in order for them to flourish. Some of these same requirements apply to humans in the sense that we are members of the animal kingdom. However, the unique quality of human reason sets us apart from the rest of the natural world. Emotions and dispositions, which are acted upon unreflectively by other animals, are subject to

---

[90] McKinnon, 21.

[91] An alternative perspective is to consider these immoral traits as perverse developments of other natural traits that do seem more obviously related to the human good, such as the tendency to seek self-preservation.

[92] Owen Flanagan, *Varieties of Moral Personality: Ethics and Psychological Realism* (Harvard University Press: Cambridge, 1991), 51.

evaluation by reason in humans, and it is this ability to rationally evaluate our dispositions that gives human action the moral quality that the actions of other animals lack. Because there is a moral dimension to our nature, our well-being transcends the narrow metric of reproductive success typically applied to other species and clouds the assertion that certain moral choices are fundamentally more conducive to producing well being than are others. Unlike the rest of the natural world, the possession of reason allows humans some latitude in fashioning our own definition of what constitutes a well-lived life. In fact, one might argue that human society exhibits so many different ways of living that appear conducive to well-being that it is difficult to come to terms with the idea that we possess an inherent nature that mandates one paradigmatic way in which to live well.

Perhaps the best way in which to meet the objections noted above is to jettison the teleological component outright and acknowledge that all natural traits do not, at least not in isolation, necessarily aim towards the good of the individual. By viewing human traits as part of a complex pattern that contributes to living well, vicious traits can be accounted for without undermining the moral aspect of human well-being.[93] However, the wholesale rejection of the teleological foundation leads to the worry that a naturalistic approach to ethics is irreparably compromised.

One way to preserve a naturalistic basis for ethics is by viewing ethical behavior as a form of human ecology, where moral choices are, to a degree, shaped by the local environment.[94] For it is within specific environmental contexts that human needs and desires arise and inevitably conflict, resulting in the need to make moral choices that may be substantially different from one

---

[93] Ibid., 22.
[94] Ibid., 50-51.

context to the next. For instance, the ethical challenges faced by a native Arctic hunter living a harsh, subsistence existence are significantly different than those faced by a Wall Street stock broker. This 'ecological naturalism' meets the aforementioned objections by harmonizing ethics with what science tells us about human development through evolution and natural selection, encompassing a broader range of options available to humans for living well.

This is demonstrated more clearly when we look at what considerations must be met in order for humans to flourish and how ethical conduct contributes to satisfying these conditions. Rosalind Hursthouse proposes that a good moral agent is synonymous with being a good human being and that there are four basic ends that humans need to satisfy in order to flourish: individual survival; continuance of the species; characteristic freedom from pain and characteristic enjoyment; and the good functioning of the social group.[95] Historically, environmental factors, such as climate and topography, have significantly shaped the culture within which individuals live. In turn, culture influences the development of the virtues and other character traits that allow their possessors to attain the ends described above.[96]

These environmental and societal features combine to form an ecological environment within which humans live and interact and can result in ethical codes that are quite different in some respects. For instance, the native subsistence hunter faces challenges in realizing common human ends that are not faced by those who live in a modern, technologically advanced society. Often, key aspects of a culture, such as scientific inquiry, promote technological developments that end up minimizing or even negating the impact that environmental factors have traditionally had on ethical conduct within a particular society. For instance, environmental challenges, particularly the threat of starvation, shape the way in which the native

---

[95] Hursthouse, 202.
[96] Ibid.

hunter views his ethical obligations to other humans, both those within his social group as well as those he views as outsiders. By contrast, those living within a complex, modern society, one that provides a degree of social welfare, are relieved of some of these burdens and, thus, have a broader array of options for attaining well-being. For instance, the pressure to have a large family, either to ensure an adequate supply of agricultural labor, to provide protection from enemies, or to take care of one during one's old age, is not as intense as it would be for someone living a subsidence existence. Therefore, being childless will not necessarily detract from that individual's well-being as it would an individual who lived in a society without a social support network independent of the family. In light of their shared humanity, both the subsistence hunter and the stockbroker have needs which require some degree of social interaction in order for them to flourish. However, the way in which each individual realizes these ends is flexible, at least to some degree, depending upon the culture within which they live.

Critics might counter that ecological naturalism results in an ethical perspective that is dangerously relativistic. However, this is not necessarily the case. Ecological naturalism emphasizes that people share many of the same values because, despite the variances in moral practices that result from different environmental challenges, people are essentially alike in their interests, needs and psychological makeup.[97] While the concept of a human ethical ecology allows a degree of latitude in determining what is morally permissible in some situations, the fact remains that our human nature does constrain what promotes our well-being, resulting in greater degree of moral consensus than it might otherwise seem.[98] Unfortunately, acrimonious debate

---

[97] James Rachels, "Naturalism" in *The Blackwell Guide to Ethical Theory,* ed. Hugh LaFollette (Oxford: Blackwell, 2000), 84.

[98] Julia Annas, "Virtue Ethics: what kind of naturalism?" in *Virtue Ethics Old and New.* ed. Stephen M. Gardiner (Cornell University Press: Cornell, 1996), 14. Like Hursthouse, Julia Annas identifies four requirements that shape human well-being and indeed, the well-being of any animal: individual survival, continuance of the

over a handful of issues at the margins of ethics often obscures the fact that vast agreement exists on many moral issues, even across cultural lines, and that, as fellow human beings, more binds us together than divides us.

Perhaps the most powerful argument against moral naturalism is David Hume's claim that we can never derive an 'ought' from an 'is.'[99] The crux of Hume's argument is that factual judgments and evaluative judgments are fundamentally different.[100] As a result, we cannot derive normative claims about how humans ought to behave from descriptive observations about human nature, as illustrated by the following argument:

P1. John is embezzling from his clients.

P2. Embezzlement harms John's clients.

P3. One should not harm one's clients.

C. Therefore, John ought to stop embezzling.

While the first two premises are factual, the third is not so much a factual statement but a normative assumption that one should not harm one's clients. According to Hume's argument, the two factual premises cannot logically entail any normative or evaluative conclusion independent of the third premise, which is itself evaluative and not factual. The idea is that by severing the supposed relation between factual and moral judgments, Hume's "guillotine" calls into question whether our moral judgments can be said to have any basis in fact and, hence, whether they can even be described as rational. In Hume's own words:

> Since morals, therefore, have an influence on the actions and affections, it follows, that they cannot be deriv'd from reason; and that because reason alone, as we have already prov'd, can never have any such influence.

---

species, our characteristic freedom from pain and characteristic enjoyment and the good functioning of our social group.

[99] David Hume, *A Treatise on Human Nature,* ed. L.A. Selby-Bigge (Oxford: Clarendon Press, 1988), 468.

[100] Rachels, 78.

> Morals excite passions, and produce or prevent actions. Reason of itself is utterly impotent in this particular. The rules of morality, therefore, are not conclusions of our reason.[101]

Hume draws the conclusion that, since reason cannot motivate moral behavior, some form of desire is required. In light of this, morality is actually based on sentiment, not reason. If this is true, it challenges the claim that the practice of virtue is conducive to well-being based on observed facts about human nature as well as the claim that a virtuous life is one that is guided by reason in accordance with virtue.

Hume's is-ought distinction is a powerful argument and it has achieved the status of received wisdom in philosophy. It is usually trotted out when critics want to counter arguments that moral prescriptions can be derived from observed facts about human nature. However, the following modification to Hume's is-ought distinction, proposed by James Rachel, may help reconcile it with moral naturalism:

> Hume was wrong, then, to say that we can never derive "ought" from "is." But he was wrong for a reason that his own analysis exposes. If our premises include information about a person's relevant desires, we may validly draw conclusions about what he or she should do. This result is not out of keeping with the spirit of Hume's view. Indeed, it is probably better to express Hume's view as the idea that we cannot derive ought-judgments from facts about how the world is <u>independently of our desires and other attitudes regarding it</u>.[102] (Emphasis in original)

Using this modified account of the is-ought distinction and applying it to John's unethical behavior, in order to get from the factual 'is' to the normative 'ought,' a desire must be incorporated that provides motivational force, such as the desire to avoid negative repercussions on John's business which, in turn, negatively affects John's personal welfare and that of his family, a situation that John should rationally want to avoid. While this may be true, it is an objectionably self-interested reason upon which to base moral behavior, implying that if it did

---

[101] Hume, 457.

[102] Rachels, 82. Just having a desire does not mean that one should act to satisfy it; not every desire has an aim that is desirable, after all. One's decision whether or not to act on a particular desire should be informed by an understanding of which desires are actually conducive to well-being.

not negatively affect John's personal welfare, construed in narrow, financial terms, then embezzling from his clients would be just fine which, of course, it is not. Well-being is only an ethically sound basis for moral action if one's understanding of it encompasses the well being of others as well. Otherwise, basing moral action on well-being is not substantially different from ethical egoism.[103]

In the end, perhaps moral naturalists should not be overly concerned with the challenge presented by the alleged "is-ought" problem. Ethical decisions generally do not lend themselves to validation by deductive proof nor does ethical naturalism claim to establish moral norms that flow relentlessly and unambiguously from invariable premises, but rather "points out certain practices, values, virtues and principles as reasonable based on inductive and abductive reasoning."[104] Based on this more pragmatic approach, we can make relevant observations about the type of behavior that contributes to human well-being. For instance, it is likely that John's unethical behavior will adversely threaten his well-being in numerous ways, not just in terms of arrest and imprisonment and the loss of his livelihood, but the well-being of his community, as well. This intersection of personal well-being with the collective welfare of society was most dramatically demonstrated by the unscrupulous conduct of many financial professionals, both at the center and at the periphery of international finance, which contributed to bringing the world economy to the brink of total collapse in 2008.[105] In this instance, a preoccupation with personal well-being, narrowly defined in terms of monetary compensation, eclipsed a more comprehensive conception of well-being that locates an agent as a member of a

---

[103] Robert Shaver, "Egoism" *The Stanford Encyclopedia of Philosophy* (Winter 2010 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2010/entries/egoism/>.
[104] McKinnon, 16.
[105] A book that documents the conditions that led to this near-disaster is Neil Irwin's *The Alchemists: Three Central Bankers and a World on Fire.*

society and the realization that the welfare of both is a precondition to living well. It is the rational desire to avoid such a diminution to our well-being, collectively understood, that takes us from the factual 'is' to the normative 'ought.'

If soldiers are to develop the capacity to exercise independent ethical judgment, in the absence of rules or external guidance and supervision, it is important that they have some concept of the end of ethical activity that can guide their practice of the virtues. Providing a persuasive account of how ethical behavior contributes to well-being, broadly understood, is a necessary step in developing this capacity and convincing soldiers of the relevance of ethical conduct to their own lives. However, articulating such an end, while necessary, is not a sufficient condition to accomplish this purpose. A further requirement is an understanding of the nature of the moral virtues and how their integrated expression contributes to realizing well-being**.**

2.4 The Nature of the Moral Virtues

The brutal realities of combat described in Chapter One can dramatically distort soldiers' moral perceptions. Even in garrison, relatively unexceptional details often exert an unappreciated influence over moral reasoning. In light of this, it is important that soldiers of all ranks acquire an understanding of how easily external circumstances can influence moral behavior. Acquiring an appreciation for the fragility of virtue is especially important for military officers, as they possess an enormous amount influence in shaping the ethical climate in which their soldiers operate. That virtuous behavior is largely influenced by how we interpret the circumstances in which we find ourselves highlights what is arguably the most critical component of Aristotle's ethics, that of *phronesis*, practical reason. Skill in practical reason is a virtue in its own right, without which the other virtues are blind, and its importance will be

repeatedly emphasized in the discussion that follows, particularly its role in interpreting the moral virtues.

Aristotle divides virtue into two categories, intellectual and moral. The intellectual virtues consist of art (craftsmanship), scientific knowledge, practical wisdom, philosophic wisdom and intuitive reason and we come to acquire them primarily through instruction. Conversely, the more numerous moral virtues are developed through habituation, a subject that will be addressed more fully later in this chapter.[106]

When thinking about the moral virtues, it is well to keep in mind Aristotle's counsel only to strive for the level of precision appropriate to the form of inquiry in which we are engaged:

> We must also remember what has been said before, and not look for precision in all things alike but in each class of things such precision as accords with the subject-matter, and so much as is appropriate to the inquiry. For a carpenter and a geometer investigate the right angle in different ways; the former does so in so far as the right angle is useful for his work, while the latter inquires what it is or what sort of thing it is; for he is a spectator of the truth. We must act in the same way, then, in all other matters as well, that our main task may not be subordinated to minor questions.[107]

In the case of ethical inquiry, the level of precision we can expect to achieve is restricted by the way in which changes in circumstance continually alter the ethical situations in which we find ourselves. Often, only approximate judgments can be arrived at and even these assessments tend to be somewhat fluid. Aristotle argues that virtue exists in a delicate state of equilibrium between excess and deficiency, a balance that must always be readjusted in accordance with changing circumstance:

> First let us consider this, that it is the nature of such things to be destroyed by defect and excess, as we see in the case of strength and of health (for to gain light on things imperceptible we must use the evidence of sensible things); exercise either excessive or defective destroys the strength, and similarly drink or food which is above or below a certain amount destroys the health, while that which is proportionate both produces and increases and preserves it. So too is it, then in the case of temperance and courage and the other virtues.[108]

---

[106] Aristotle, *The Nicomachean Ethics,* II.1 1103a15-21.
[107] Ibid., I.7 1098a25-34.
[108] Ibid., II.3 1104a15-19.

Those who look to virtue ethics seeking an algorithm for ethical decision-making will be disappointed. On the Aristotelian account, determining the virtuous course of action is roughly analogous to determining the correct amount to eat to maintain health, or the right intensity at which to exercise to attain peak athletic performance, both of which not only vary with circumstances, but also on the particular constitution of each individual.[109] In the same way an experienced athlete can train at a level of intensity that would injure someone new to sports, one who has accumulated experience in the practice of the virtues will be able to navigate her way through ethically murky situations that would tax the practical reason of a novice. This can be seen more clearly by examining the virtue of courage.

Rather than the absence of fear, courage is acting as a situation demands, usually at the risk of severe injury or death, despite feeling fear. The practice of courage requires an assessment of the circumstances in which one finds oneself and determining two things: first, whether the fear one feels is rationally justified and, if justified, whether there is sufficient reason to override it and act in a way that places one's life at risk. Those unduly influenced by fear, such that it overpowers their reason, are labeled cowards. Conversely, those who do not allow concern for their own and others' safety to carry the necessary weight in their rational deliberations are called rash.

This "Doctrine of the Mean," the idea that virtue exists as a balance between excess and deficiency, applies to most of the other virtuous character traits. For instance, generosity represents the mean between the excess of profligacy and the deficiency of miserliness. Temperance is the mean between the excess of incontinence and the deficiency of

---

[109] Aristotle makes this point when he contrasts the dietary needs of an experienced athlete with those of a novice to athletic training.

insensibility.[110] The position a virtue occupies on this continuum is not fixed but must be continually re-calibrated to account for changing circumstances. Returning to the virtue of courage, a soldier who assaults an enemy position is rightly described as courageous when he acts out of a rational appreciation for the exigencies imposed by the tactical situation, as well as whether the goal that is to be achieved is worth his life. For, as Aristotle asserts, the virtuous person knows the value of his life and does not risk it lightly.[111] By contrast, a soldier who carries out the same act while motivated by blind rage over the death of a friend, without regard for either his own life or those of his comrades, is most aptly described as rash or even insane.

Virtuous behavior depends on an agent possessing astute reasoning skills which are not innate but are developed and honed through experience. The degree of fear a soldier feels in a particular situation, as well as how the fear enters into his rational deliberation, often depends on his level of experience. A raw recruit will feel fear in situations that do not trouble the veteran. Conversely, the veteran will feel fear, and take counsel from it, in circumstances in which a recruit remains blissfully and dangerously unaffected. Experience can also serve as a form of inoculation against the types of dangerous and stressful circumstances that tend to eat away at a soldier's moral character.[112] All things being equal, special operations units made up of veteran soldiers can be expected to more readily retain their moral character than would a unit made up of young and inexperienced recruits.

---

[110] Aristotle, *The Nicomachean Ethics*, II.7 1107b1-9.

[111] Ibid., III.10 1117b9-14.

[112] This only true up to a point. Veteran soldiers who have been in combat for extended periods of time are sometimes less courageous than soldiers who have only recently arrived at the front. An interesting book on this phenomenon is Lord Moran's *The Anatomy of Courage,* which is based on his experiences as a British Army physician in the First World War. Moran's experiences support the view that soldiers have a 'reservoir' of courage that they draw from in battle. Once this reservoir has been depleted, it needs to be replenished with rest and recuperation away from the front. In some cases, a soldier's reservoir of courage, like a depleted battery, can no longer be recharged. For more on this, see Dave Grossman, *On Combat.*

Virtue theory sets the bar for moral action quite high, since whether an act can be described as truly virtuous depends not only on the consequences of the act but also on the spirit in which the act is done, for whom it is done and when and how it is done:

> It is no easy task to be good. For in everything it is no easy task to find the middle, e.g. to find the middle of a circle is not for everyone but for him who knows; so, too, anyone can get angry-that is easy-or give or spend money; but to do this to the right person to the right extent, at the right time, with the right motive, and in the right way, that is not for everyone, nor is it easy; wherefore goodness is both rare and laudable and noble.[113]

The passage above acknowledges how difficult virtue is to achieve and how rare it is to encounter it. This is seen more clearly when assessing the nature of a particular virtue such as generosity. First, the generous act must be done for the right reason, such as for the benefit of the recipient, and not for any personal advantage the benefactor might reap from it. For an act to be truly generous, it must be inspired by a spirit of generosity and not done grudgingly, with a sense of resentment. Second, insofar as the benefactor is able to divine the character and intentions of the beneficiary, the generosity must be bestowed upon the right person, one who will truly benefit from it. The moral worth attached to a generous act is diminished if bestowed upon a person who would only abuse the benefactor's generosity by squandering it.[114] The moral worth of a generous act is also diminished if it is done in such a way that the benefactor's largesse is the cause of public humiliation to the recipient.

In practice, it is difficult, if not impossible, to anticipate all the ramifications of our actions; often circumstances beyond our control intervene to sabotage an act motivated by the purest intentions. Nonetheless, while such errors do not completely negate the moral value of an act, virtue is predicated on the ability to accurately size up a particular situation, perceive its ethically

---

[113] Aristotle, *The Nicomachean Ethics,* II.9 1109a24-30.

[114] Here the borders start to blur between generosity and the virtue of mercy, which, it might be argued, involves generosity to those who, by their actions, may not really deserve it. However, a key component of mercy is that the recipient of it has expressed some degree of remorse for his previous actions.

salient features and act accordingly, keeping in mind all the various considerations that contribute to the virtuous character of that act. A person who habitually misjudges the effects of his actions or the merits of those they are directed towards, is deficient in practical reason and cannot be considered truly virtuous, despite his good intentions.

The Aristotelian concept of virtue requires a careful assessment of circumstances, an assessment that has cognitive and emotional components that are interdependent. For instance, the virtuous person will experience specific emotions in certain circumstances, such as anger when confronted with injustice. Experiencing anger instead of indifference in the presence of injustice, is an indication that one possesses a morally appropriate disposition. Moreover, the anger experienced in the face of injustice is of a certain kind and degree. It is not an uncontrollable rage that overpowers reason and cannot be wielded intelligently. Instead, when felt in the appropriate degree, the anger a virtuous person feels at injustice adds clarity to her perception of the circumstances and alerts her to the fact that she is faced with a situation that has a distinct ethical character and merits a certain response. Therefore, an important component of character development involves acquiring the emotional dispositions that are instrumental in motivating virtuous action, a topic that will be addressed in more detail later in this chapter.

Most often, acting ethically requires the integrated expression of several virtues. For instance, generosity not only requires a sense of compassion but a sense of justice as well, as generosity's value is diminished if consistently done on behalf of those who do not merit it. Compassion can move us to act courageously and, in some situations, we require courage in order to act compassionately. So, displaying one moral virtue often depends on whether we possess others.

Modern notions of virtue are often based on what Aristotle calls 'natural virtue,' those positive traits and dispositions that we inherently exhibit as part of our nature. For instance, some are born predisposed to courage while others are naturally inclined to be generous or temperate. However, these predispositions should not be conflated with virtue proper, for without the proper guidance our natural virtues would not only quite often be ineffective, but could even cause a great deal of harm. So, while an agent can possess a natural inclination towards some virtues and not others, Aristotle claims that true virtue is predicated on the possession of practical wisdom:

> It is clear, then, from what has been said, that it is not possible to be good in the strict sense without practical wisdom, or practically wise without moral virtue. But in this way we may also refute the dialectical argument whereby it might be contended that the virtues exist in separation from each other; the same man, it might be said is not best equipped by nature for all the virtues, so that he will have already acquired one when he has not yet acquired another. This is possible in respect of the natural virtues, but not in respect of those in respect of which a man is called without qualification good; for with the presence of the one quality, practical wisdom, will be given all the virtues.[115]

This view argues for the unity of virtue from the top-down, from the possession of practical reason to possession of the whole range of moral virtues. If an agent possesses the practical reason necessary for the expression of courage, then this same practical reason is sufficient for the reliable exhibition of the other moral virtues as well. Ideally, an agent possessing practical reason will be generous when circumstances recommend generosity and courageous when courage is called for; in short, she will display the appropriate moral virtues in all the various circumstances that require their expression. In situations in which moral virtues conflict, practical reason allows the agent to prioritize among them, taking into account the relevant circumstances involved.

Of course, many times there is no way to cleanly prioritize the practice of the moral virtues, at least not in a way in which there is no sense of guilt or regret over the course of action that is

---

[115] Aristotle, *The Nicomachean Ethics,* VI.13 1144b30-1145a1.

ultimately chosen. For instance, a sailor who closes a water-tight hatch on trapped shipmates before flooding spreads to the entire ship has done the morally correct thing in that situation. Objectively, the choice the sailor faces seems relatively straightforward and no rational person would castigate him. However, this knowledge does not necessarily assuage the sailor's grief or sense of guilt over having had to perform such a heart-rending act, nor does this mean that such an action strikes a perfect balance between the extremes of excess and deficiency, which is the essence of the moral virtues. There will still be a "moral remainder," residual feelings of guilt and regret on the part of the agent. Moral regret, in some form, is an inescapable feature of living an ethical life; only a sociopath feels no remorse. Like a canary in a mineshaft, emotions such as guilt serve as a warning mechanism, alerting us to when we have acted unethically. At other times, guilt and regret can be almost intolerable burdens, especially when we know that we have acted in the best ethical manner under which the circumstances would allow.[116]

Another fundamental feature of Aristotelian virtue theory that is related to the unity of the virtues is the belief in the existence of robust character traits, such that a virtuous person will reliably display a "firm and unchanging character" even in the face of great hardship and opposition.[117] Moral virtues that dissipate in the face of difficult circumstances are of little value, as one the main arguments for developing moral character is to sustain us in the face of

---

[116] This presents a problem for virtue theory as Aristotle maintains that a virtuous agent, one who has attained *eudaimonia,* has lived a life in which there are no moral regrets, as such regrets essentially undermine *eudaimonia.* However, a life with no moral regrets seems to be an unattainable standard for any human, particularly for soldiers, as the practice of war is plagued with many choices that strike us as unjust to one degree or another. The best a soldier can do is choose the least unjust of the available options. However, as noted, this still leaves considerable room for a crippling sense of guilt. Much of the psychological injury soldiers suffer from their participation in war is a result of circumstance where they acted in accordance with their best judgment.

[117] Aristotle, *The Nicomachean Ethics,* II.5 1105a33.

adversity. A person who does not maintain a steadfast character under difficult circumstances cannot truly be called virtuous**.**

2.5 Objections to the Aristotelian Account of the Moral Virtues

One of the more forceful objections to virtue theory is the charge that there is an unbridgeable gap between the unified view of virtue that Aristotle endorses and actual experience. On this 'situationist' view, not only is it possible to display some moral virtues without possessing others, but the belief in the existence of a "firm and unchanging character" is misguided. To support this argument, critics point to empirical studies that seem to indicate that moral behavior is easily influenced by even small variations in external circumstances, which, in turn, cause us to display the virtues in a fragmented, haphazard manner. For example, a psychological experiment conducted on Princeton seminary students found that while on their way to deliver a sermon on the parable of the Good Samaritan, the students who were told that they were late for their lecture were far more likely ignore a man exhibiting symptoms of severe respiratory distress than those who were told they were several minutes early.[118] In this case, the pressure of being late significantly impaired the students' ethical perception and judgment.

Biographical accounts of those we view as paragons of moral virtue also seem to support these criticisms. For instance, Martin Luther King, Jr. displayed admirable moral and physical courage in his leadership of the civil rights movement; however, he was also a notorious philanderer and shamelessly plagiarized large portions of his doctoral dissertation. Oskar Schindler is lauded as a hero for saving the lives of his Jewish workforce during the Nazi occupation of Poland, while he was also a philanderer and war profiteer. In fact, it is somewhat

---

[118] John Doris, *Lack of Character* (Cambridge University Press: Cambridge, 2002), 33-35.

ironic that were it not for Schindler's talent for bribery and corruption, his Jewish workers would have perished in the SS death camps.

The lives of King, Schindler and others seem to support the view that virtue and vice can co-exist in relative harmony and that the moral virtues can exist and be expressed in relative isolation from one another.[119] Proponents of this fragmented view of virtue maintain that we have been conditioned to believe in a rigorous conception of virtue that is unrealistic and unattainable, and that this, in turn, results in unwarranted disillusionment, both in ourselves and others, when we fail to meet these lofty ideals. Considering this, proponents of the fragmented view of virtue argue that we are better served by a less rigorous and more realistic interpretation of character that acknowledges and accepts the fragmented and inconsistent expression of virtue in our lives.[120]

It should be noted that many of the empirical studies cited by situationists have been subject to criticism regarding the methodology under which they were conducted. However, even taking these methodological concerns into account, these studies do not necessary undermine Aristotelian concepts of virtue; in fact, they can be viewed as lending support for it. As discussed above, Aristotelian virtue ethics is highly sensitive to how circumstance affects moral behavior. Considering this, acquiring the ability to recognize their influential presence is vital to sorting out the different variables involved in a situation in order to determine the most ethical course of action. If an agent is unaware of how circumstances influence her ethical perception and judgment, then, of course, she is likely to fail to behave ethically in many cases. This is one reason why an ethical education that focuses on developing skill in practical reason (to

---

[119] Ibid., 62-64. This is a cornerstone of the situationist thesis, that virtuous character traits are 'local,' not 'global,' and can only be reliably exhibited in specific and narrow circumstances.
[120] Doris, 154.

include incorporating the results of these empirical studies into the educational curriculum) can contribute to building a virtuous character. If agents become more conscious of how various circumstances influence their ethical reasoning, they will be better able to account for them in their ethical deliberations.[121]

In arguing their case, situationists make the error of assuming that because psychological studies seem to show that the fragmented, inconsistent display of virtue appears to be how humans naturally behave, this represents an irreconcilable obstacle to efforts to promote more consistent, unified ethical behavior. However, despite the prevalence of discordant ethical behavior cited by situationists, the moral dichotomy that it represents strikes most of us as deeply unnatural, and we become justifiably upset when we encounter it.

The aberrance of the fragmented view of virtue becomes more apparent if we pause to consider how we first acquire the moral virtues. As Julia Annas notes, in order for such a fragmented view of virtue to work, the nature of the moral virtues would have to be such that we could learn how to apply them in restricted circumstances that bear little resemblance to the way in which the virtues are actually acquired.[122] For instance, though we first learn about honesty in the narrow context of our relationship to our parents and immediate family members, our understanding of honesty quickly broadens to encompass other contexts, such as our academic and athletic endeavors. However, the fragmented view of virtue would have us learning a form of "professional" honesty that is applicable only to our work related activities and unrelated to the type of honesty we display in our personal interactions. Similarly, the physical courage that a soldier exhibits on the battlefield would bear no connection to moral courage when, in fact,

---

[121] It would be interesting to know if the seminary students involved in the Princeton experiment took away any lessons from their experience, and if this affected the way they perceived and judged ethical situations in the future.
[122] Julia Annas, *Intelligent Virtue* (Oxford University Press: Oxford, 2011), 87.

moral and physical courage are intimately related. According to such an interpretation, there can be no single practical intelligence integrating and guiding the practice of all the virtues, but rather different practical intelligences governing how each specific moral virtue is exhibited in the relevant circumstances. Nor, based on the fragmented view, can there be a unifying intelligence governing the integration of the virtues. It is difficult to understand how such an approach to the moral virtues, which endorses inconsistent ethical behavior as part of the human condition, could be anything other than a source of external and internal conflict that is deeply inimical to well-being.

Of course, the situationist can point to many instances of people who appear exemplary in some aspects of living a moral life, while being significantly deficient in others. They may be morally courageous but lack honesty, or reliably compassionate but wanting in courage. What can be said about these cases? Do they irreparably undermine the Aristotelian account? In cases such as King, Jr. and Schindler, one might argue that these men would have been even more effective had they displayed virtue more uniformly throughout all aspects of their lives. The philandering of both men made them vulnerable to blackmail and no doubt undermined the expression of their virtuous character traits in many ways. In fact, the morally dissonant behavior that King, Jr., Schindler, and many others exhibit might be more accurately characterized as natural virtues that found a fortuitous opportunity for expression rather than true virtues guided by a practical wisdom of the type that Aristotle advocates and that contributes to true well-being.

The inconsistent moral behavior many us exhibit leads to another criticism of the unified view of virtue, which is that the daily lives of many people never call for the development and expression of certain virtues. Since virtues are developed through exposure to situations that

call for their expression, this leaves a very limited opportunity for those who live circumscribed lives to acquire the experience and wisdom required to express the entire range of moral virtues. For instance, in situations that demand physical courage, many people, through no fault of their own, lack the experience and wisdom to respond appropriately. Considering this, defining a virtuous person as one who reliably exhibits the whole range of moral virtues, while commendable in theory, is impossible in practice.

One way to respond to this criticism is by noting that an important distinction must be observed between the circumstances of a life and living a life.[123] The circumstances of a life are those factors that are out of our control, such as our genetic inheritance and physical characteristics as well as the dynamics of the family and the society into which we are born. The living of a life pertains to how we live our life considering these unalterable circumstances. Living life well means displaying excellence in making worthwhile choices given the circumstances we are confronted with, analogous to the way in which a craftsman fashions a product out of the raw material that is available to him. The circumstances of life are different for everyone, often radically so. Clearly some virtues will be more prominent in some types of lives than in others. For a soldier, physical courage is absolutely indispensable whereas a hospice nurse would be handicapped without a strong sense of compassion. However, there will still be significant overlap in the virtues that each type of life requires. For instance, soldiers and nurses both require compassion in varying degrees. And while the nurse will also be required to display courage, it is more likely to be expressed morally, rather than physically. The more general point to remember is that the virtues are always learned and exercised in an

---

[123] Annas, 92-95.

embedded context. Therefore, there is no paradigmatic way for the virtues to be expressed that can be said to be appropriate for all different backgrounds and occupations.[124]

Clearly, the account I have defended is a much weaker interpretation of the unity of virtues than Aristotle originally intended. However, as stated at the outset, it should be remembered that Aristotle's ethical theory was directed at a homogenous group of aristocratic young men, not a heterogeneous society composed of many different sub-cultures. The intended recipients of Aristotle's ethical wisdom shared a commonality of experience and opportunity that those of us in a pluralistic society lack. However, such an interpretation retains the conceptual unity of the virtues without insisting on their unified manifestation in an admirable life, while at the same time, acknowledging that a good human life can take many different forms, all which call for differential displays of moral excellence.[125]

Still, how should we assess those who are neither exemplarily virtuous nor egregiously vicious, but operate somewhere in between these two poles, a condition that best describes most of us. Does the fact that we are mediocre in some area of moral behavior throw our lives out of balance and robbed us of well-being? When does lack of distinction in some area of virtue become a vice? These questions are difficult to answer as they must be addressed on a case-by-case basis and no definitive "one size fits all" answer can be given. It is relatively easy to look at a hardened criminal and diagnose how his behavior leads to an unbalanced life that undermines his well-being. It is harder to make a similar diagnosis for those whose lives are far more balanced but still far from ideal. Achieving the type of virtuous balance that contributes to well-being is a constant endeavor for which no set formula can be provided. In our more

---

[124] Ibid., 93.
[125] McKinnon, 161.

honest moments, most of us would concede that we possess character flaws, the correction of which would be beneficial to our overall well-being. One's character may not be in a state of disrepair, but that does not mean that it could not benefit from some fine-tuning.

The unified expression of the moral virtues, in the weaker sense described above, is important because the moral virtues all subserve the common end of living a worthwhile human life. Since the exercise of virtue is subordinate to the overall end of living well, it is important that we develop an appreciation for the value of all the moral virtues and how they contribute to this endeavor.[126] Part of this involves understanding that well-being is not enhanced by the piecemeal application of the moral virtues. Living well does not require perfection; it is unavoidable that we will display virtue in some aspects of our life more readily than in others. However, we should be sensitive to the myriad ways in which we fall short in living virtuous lives and endeavor to shore up areas in which our behavior falls short of the mark.

Virtue theory, even in its weaker interpretations, is often criticized for promoting an unrealistically idealized conception of virtue. However, this is neither a handicap nor a feature of virtue ethics that is not shared by other ethical theories, most of which contain an appeal to some type of idealistic standard. Utilitarians urge us to maximize the aggregate happiness of people we will never know, even if it comes at the expense of the happiness of those closest to us; strict adherence to Kantian deontology would require one to refrain from lying, even at the cost of another person's life. However, one of the primary purposes of moral philosophy is not to describe us as we are, but as we might become and, because of this, an appeal to some type of

---

[126] McKinnon, 163-164.

ideal standard is unavoidable. An ethical theory that proposes that we are fine the way we are and in no need of improvement is not one that should be taken seriously.[127]

Virtue is very much a journey towards an ideal that we will, in all likelihood, never attain but one that we can come incrementally closer to meeting with continued practice. The fact that we will never attain perfection in virtue is no reason for discouragement; we practice many activities at which we will never attain perfection. However, we can derive satisfaction as well as encouragement from even the small improvements that we make in the practice of these activities and it should be no different in regard to virtue. We can find fulfillment in acting virtuously, even while conceding that in other instances we have fallen short in some way while, at the same time, resolving to learn from our failures and to do better in the future.

While high standards certainly carry the risk of disillusionment, the risks associated with less rigorous standards are far more worrisome. For if we set our standards too low then we are doing a disservice to ourselves as well as society by settling for ethical mediocrity when we are capable of meeting more rigorous standards. The failure to set and maintain high ethical standards has serious implications for how the virtues are perceived in society as a whole. For instance, failing to hold public officials to high standards corrodes public faith in our governing institutions. This, in turn, leads to disillusionment and cynicism regarding the whole virtue project. So while the high standard advocated by Aristotelian virtue theory may, at times, cause us to be discouraged, it also prevents us from becoming complacent**.**[128]

---

[127] Annas, 89.
[128] Ibid., 90.

2.6 Moral Education and Character Development

Just as musical skill cannot develop solely by studying music theory, neither can moral character be developed merely through the passive acquisition of ethical knowledge. Instead, character comes about through a process that involves actually practicing the virtues. As Aristotle observes:

> But the virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyre-players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.[129]

Aristotle's assertion that we become virtuous by actually practicing the virtues appears circular. In order to become virtuous one must actively practice the virtues; however, how can one practice the virtues unless one already possesses them? Of course, we do not learn to be virtuous purely on own. Like the development of a skill, developing a virtuous character is a process of education that, ideally, is guided by parents, teachers, coaches and many others. A crucial component of this moral education, in which character is actively inculcated through the practice of the virtues, is the process of habituation.

Associating the development of character with the formation of habits might lead some to draw the mistaken conclusion that character development is little more than indoctrination, devoid of meaningful cognitive engagement. However, habituation is essential to developing proficiency at any skill and is anything but mindless. For example, to develop skill at carpentry a hundred different details must be attended to, all of which require considerable mental engagement. Through trial and error, the apprentice carpenter comes to learn which techniques are effective as well as those that are not. Over time, the techniques become second nature so that the carpenter no longer needs to think actively about how or why he does them. While the

---

[129] Aristotle, *The Nicomachean Ethics,* II.1 1103a31-1103.b2.

carpenter's skill may appear to be the product of unreflective habit, what is hidden are the hours of dedication and conscious reasoning that go into developing the professional habits of a competent carpenter.

The process of habituation distinguishes the difference between doing good carpentry and being a good carpenter. Being a good carpenter requires doing good carpentry, although doing good carpentry does not require that one is necessarily a good carpenter. An apprentice carpenter can do good carpentry under the tutelage of a mentor, but since he cannot duplicate this performance without some guidance, he is not yet a good carpenter. In contrast, a good carpenter is someone who has internalized the habits and knowledge required to produce good carpentry, independently and on a consistent basis. Consistently doing good carpentry makes one a good carpenter. The same can be said for the other virtues. Reliably performing brave and generous acts will, in time, make one brave and generous.

While the analogy between developing a skill and developing character is instructive, it can only be taken so far. In the practice of a skill, the value lies in the product produced, whether it is a well-built house that keeps out the weather or a well-played piano sonata that entertains an audience; in each instance the value of the end product is relatively independent of the moral qualities possessed by the craftsman and musician.[130] Virtuous acts are the product of a virtuous character, which, in some ways, is as difficult to develop as skill as a master craftsman or a concert violinist.

Generally, the development of moral character requires that a novice already possess an initial appreciation for the importance of virtue to a well-lived life. As Aristotle advises

---

[130] The performance of skilled musicians and artists are not completely unrelated to their authors' moral qualities. For instance, in order to produce a quality musical performance or painting, a degree of temperance is required, such as the discipline to sublimate other desires in order to focus on the practice and rehearsal required to develop one's craft.

"Anyone who is to listen intelligently to lectures about what is noble and just must have been brought up in good habits."[131] Aristotle is not attempting to persuade the unconvinced of the value of a virtuous life. Rather, he is lecturing to those brought up to virtue for the purpose of refining and enhancing their understanding of its nature and what is required for its development.[132] For Aristotle, this initial appreciation is anchored in an ethical indoctrination that begins in early childhood and is enforced by a humane system of rewards and punishments.[133]

Ethical indoctrination harnesses our natural responses to pleasure and pain in order to shape our moral behavior.[134] While this process is relatively straightforward, it is complicated by the fact that acquiring virtuous habits requires curbing certain appetites and inclinations, a task that most of us find both difficult and unpleasant. And while the vices produce pleasure, it is usually of a kind that is unhealthy, particularly when enjoyed in excess; a fact that does not make the pleasure experienced any less intoxicating. What makes childhood ethical indoctrination so vital for laying the foundation for moral character is that during this stage our moral dispositions begin to be formed. We begin experiencing feelings of guilt and shame when we violate the rights of others as well as a sense of satisfaction when we behave in a way that respects those rights.

While indoctrination is essential in establishing a foundation for virtue, much more is still required. As we progress and gain experience, the process of ethical indoctrination is supplanted by an increased emphasis on practical reason. In the development of this vital skill,

---

[131] Aristotle, *The Nichomachean Ethics,* II.5 1095b1-7.
[132] Nancy Sherman, *The Fabric of Character: Aristotle's Theory of Virtue* (Oxford University Press: Oxford,1989), 7.
[133] Aristotle cautions against an educational process that resorts to harsh or severe punishments that bypass the engagement of reason. Also see Sherman, *The Fabric of Character*, 164.
[134] Aristotle, *The Nichomachean Ethics*, II.3 1104b15.

Aristotle emphasizes the importance of moral exemplars, individuals who tangibly demonstrate how the moral virtues contribute to human well-being. Moral exemplars can come in a variety of forms; however, parents remain the most common moral role models.[135] Casting farther afield, teachers and coaches can be effective moral exemplars, particularly if positive parental role models are absent from a child's life. At the outer periphery, at least in terms of the influence they exert, are historical figures widely extolled as paragons of moral virtue (Gandhi and Mother Theresa come to mind) as well as fictional characters from literature that exemplify virtuous character traits.

When thinking about the role of moral exemplars in moral education, it is important to bear in mind that, without some guidance, it can at first be difficult for the novice to ascertain how the possession of moral virtue contributes to the well-being of the moral exemplar. For instance, apart from parents and other caregivers, the first moral exemplars we usually encounter come to us through children's literature in which the actions of fictional heroes and heroines emphasize the importance of courage, honesty, friendship and generosity, among other virtues. However, children often require guidance in interpreting the example provided by a moral exemplar in order to prevent the wrong lesson being drawn, as well as comprehending how the virtues displayed by the exemplar contribute to human well-being.[136] With the accumulation of experience and the development of practical reason, we become more capable of drawing the correct moral lessons through our own reason and are able to envision how, when woven together, they comprise the fabric of a virtuous life. Of course, by the time we have reached this level of ethical development, moral exemplars have performed their function, though they

---

[135] Kristjan Kristjansson, "Emulation and the use of role models in moral education," *Journal of Moral Education* Vol 35, No. 1, March 2006, 40.

[136] Jean-Jacques Rousseau, *Emile or On Education,* trans. Allan Bloom (Basic Books: New York, 1979), 247-248.

can still inspire us and serve as a reminder of how to conduct ourselves in morally challenging situations.

Moral exemplars influence ethical behavior primarily through emulation. As Aristotle describes it in the passage below, the process of emulation derives its efficacy in shaping behavior through:

> A pain caused by seeing the presence, in persons whose nature is like our own, of good things that are highly valued and are possible for ourselves to acquire; but it is felt not because others have these goods, but because we have not got them ourselves. It is therefore a good feeling felt by good persons, whereas envy is a bad feeling felt by bad persons. Emulation makes us take steps to secure the good things in question, envy makes us take steps to stop our neighbor having them.[137]

The distress felt by the emulous person is caused by the perception of a desirable quality in the exemplar that the emulous person lacks and that motivates him to take the necessary steps to develop that quality within himself. As Aristotle observes, it is important to distinguish the feelings of unease responsible for the motivating emulation from the type of distress that is characteristic of envy, or what is more accurately described as jealousy. The jealous person is motivated to deprive another of that which is the cause of jealously, whether it is a material object, or something less tangible such as honor or some other form of public recognition. Conversely, the emulous person has no desire to deprive the person he emulates. Rather, he wants to develop the admired quality in himself as he realizes that the quality in question will enhance his life, as well as being admirable and worthwhile in its own right. This realization is predicated on the emulous person possessing the practical judgment required to perceive the

---

[137] Aristotle, *On Rhetoric,* trans. Richard McKeon from *The Basic Works of Aristotle* (Random House: New York, 1941), II.10 1388a31-37. In email correspondence, Jonathan Dancy has pointed out that 'envy' may not be the word to describe what is going in this passage. Envy, as it is commonly understood, makes us want to acquire something that we admire in someone else for ourselves, not necessarily deprive that person of what it is we admire, be it a particular possession or a form of social recognition such as an academic honor. Jealousy is a better word to convey Aristotle's intent in this passage.

existence and value of a particular virtue possessed by the moral exemplar as well as the virtue's role in a broader network of virtues.

An important point to be kept in mind is that the emulation discussed here is of qualities, not persons.[138] Sadly, no role model is without character flaws and when a person, rather than the qualities the person exemplifies, is held up as the object of emulation, often the result is the mere imitation of the exemplar, warts and all. This misguided form of emulation is frequently seen in the military, particularly in cases where charismatic leaders inspire a sense of hero worship among their subordinates. For instance, some of the more unfortunate ethical failings of General Douglas MacArthur, such as his disrespect for the military's civilian leadership, were reflected in the members of his military staff.[139] This unfortunate outcome is avoided if qualities, rather than persons, are held up as the objects of emulation, an approach that relies on a novice possessing some facility at practical reasoning in order to objectively assess which character traits comprise qualities worthy of emulation. In this way, the praiseworthy attributes of leaders such as Martin Luther King, Jr. can be abstracted from other, undesirable traits that are unworthy of emulation.[140] By focusing specifically on qualities rather than persons, the virtues are exemplified by the moral exemplar because they are substantively important, rather than being substantively important because they are exemplified by the moral exemplar.[141]

Emulation accentuates the interaction of affective and cognitive processes necessary for the development of character. While emotions and attitudes exert a great deal of influence on our moral reasoning, what is sometimes overlooked is that our reasoning process can influence our

---

[138] Krisjansoon., 41.
[139] William Manchester, *American Caesar: Douglas MacArthur 1880-1964* (New York: Bay Back Books,1978)
[140] It is questionable whether Aristotle's original conception of moral exemplars would allow for abstracting certain praiseworthy traits. However, I think the ability to do this is essential, if we are to avoid the mistakes that moral exemplars, being fallible human beings, are bound to make.
[141] Kristjansson, 46.

emotional states. Emotions and desires inherently possess a cognitive component that provides a means by which they can be modified. As Nancy Sherman notes:

> At the heart of [Aristotle's] account is the view that emotions are about something that we represent in thought. Emotions are intentional states. As such they have cognitive content. They are identified by that content, by what we dwell on, whether it be fleetingly or with concentrated attention.[142]

On this interpretation, emotions are infused with cognition such that the emotions are not distinctly separable from the cognitive process. It is this intimate relation between emotions and cognition that allows emotions to be affected by practical reason. For instance, rationally evaluating a particular situation often will lead to a more ethically appropriate emotion. This approach is supported by empirical research and has been applied successfully in clinical psychiatric practice. For instance, the grounding of affective states in cognitive evaluations is the basis of cognitive behavioral therapy, which has been effectively used to treat psychiatric patients suffering from depression as well as a variety of other mood disorders. Often, counterproductive emotions such as anger, depression and anxiety are the result of unnecessarily pessimistic or otherwise inaccurate assessments of circumstances.[143] For example, we may become irrationally angry when we observe two colleagues whispering between themselves because we erroneously assume that they are ridiculing us when, in fact, there is no reason to assume that this is the case. Often, exposing our erroneous reasoning causes us to re-examine and modify our previous perceptions and we no longer experience anger when we encounter these situations. The preceding example draws out the fact that morally problematic attitudes often are caused by emotions that are in need of reform and that moral excellence can be

---

[142] Nancy Sherman, "Character Development and Aristotelian Virtue," in *Virtue Ethics and Moral Education,* ed. David Carr and Jan Steutel (Routledge: London, 199) 43.

[143] David Burns, *Feeing Good: The New Mood Therapy* (New York: Avon Books: 1980)

bolstered if the emotions associated with these attitudes are intentionally shaped to support moral behavior.[144]

A recurring theme in this discussion has been the central role of practical reason in the development of character and the practice of the moral virtues. Practical reason endows us with the ability to take our knowledge of the virtues and apply it to leading fulfilling lives that are conducive not only to our own well-being, but to the well-being of society. Practical reason endows us with the capacity to shape and condition our emotional responses to ethical stimuli, which in turn, improves the way we reason about the ethical situations that confront us. Practical reason reveals where we are deficient in our exercise of the moral virtues and determines how we can correct our ethical deficiencies.

Given the importance of this crucial skill, the focus of moral education should be to develop it to the fullest extent possible. If the process of moral education is executed intelligently, the result is more likely to be a person of strong moral character who possesses a deep appreciation for the moral virtues along with the ethical wisdom to implement them in her life. The possession of moral character also entails the ethical self-sufficiency required to take charge of our moral education and continue it on our own for, as we saw above, our characters are never complete. Without constant attention and effort at moral improvement, it is remarkably easy to lose hard won gains

John Donne wrote, although with a somewhat different purpose in mind, "No man is an island, entire of itself." Often we do not possess the internal resources to act ethically in all situations; building and maintaining moral character depends on surrounding oneself with friends who are equally committed to virtue. The 'virtue friendship' is a subject Aristotle discusses at

---

[144] Sherman, "Character Development and Aristotelian Virtue," 46.

length and describes as a friendship between those who are "good and alike in virtue."[145] What sometimes seems to be forgotten by critics of virtue theory is that virtue is often a collaborative effort and not purely a solitary endeavor. Some ethical challenges are so daunting that they strain even the strongest characters to the breaking point. By surrounding ourselves with a circle of virtuous friends, we gain access to a reservoir of ethical wisdom and emotional support that can sustain us when we face ethical challenges too great to overcome singlehandedly.

2.7 Summary: The Contribution of Virtue Theory to Military Ethics

The elements of Aristotelian virtue theory discussed above are especially germane to the project of promoting ethics within the American military. For instance, a surprising number of soldiers, as well as civilians, view morality as unquestionably subordinate to military expediency. Establishing the relevance of virtue to well-being provides an end of ethical behavior in which soldiers are personally invested. However, whether the concept of well-being encourages ethical conduct depends on the way in which soldiers conceptualize well-being. If well-being is to serve as an end for virtue, then it cannot be narrowly interpreted as a matter of shallow self-interest, measured only in superficial, material terms. What has been emphasized throughout this discussion is that the moral virtues are those excellences of behavior that we exhibit in living our life well, which, in turn, is predicated on how we treat others. For instance, there is a strong correlation between well-being and the existence of close relationships with family and friends. Behaving in ways that result in the loss of these vital personal relationships has a measurable, deleterious effect on our well-being.[146]

---

[145] Aristotle, *The Nicomachean Ethics*, VIII.3 1156b07-08.
[146] Dave Grossman, *On Killing* (Back Bay: New York, 1995), 93.

The association between virtue and well-being extends beyond the maintenance of personal relationships and encompasses a soldier's behavior on the battlefield. As demonstrated in Chapter One, the killing of an enemy combatant, even when done in accordance with the rules of engagement, resonates within a soldier's psyche for the rest of his life, often affecting his emotional equilibrium to the detriment of his happiness, as well as that of his family, friends and colleagues.[147] Establishing a correlation between the practice of the moral virtues and human well-being provides a motivation for ethical behavior that is difficult to discount. If virtue is seen to contribute to our well-being and if our well-being is understood to encompass the well-being of others, then it would seem that we have made some progress towards basing moral action on something about which a rational human is likely to care deeply.[148]

A concrete example may help illustrate this point. During the Vietnam War, hundreds of American airman were shot down and captured in the course of conducting missions over North Vietnam. The North Vietnamese viewed the American prisoners as a valuable propaganda resource, especially if the prisoners could be persuaded to make formal statements condemning American involvement in Vietnam. To this end, the prisoners were subjected to extraordinarily severe torture designed to coerce them into signing statements declaring themselves to be war criminals and condemning the American war effort. The torture was effective in the sense that virtually all the American prisoners signed some form of propaganda statement, merely as a result of the intense physical pain to which they were subjected. However, the North Vietnamese were ultimately frustrated in the realization of their larger goal, that of permanently

---

[147] Edward Tick, *War and the Soul* (Theosophical Publishing: Wheaton, Il, 2005), 20.

[148] At this point, one could always ask, "Why should I care about my own well-being?" There is no response to a query such as this, other than to assert that anyone who could seriously pose such a question is not thinking rationally, or as Aristotle asserts, has not been brought up in the right way and, therefore, lacks the necessary appreciation for the importance of virtue.

subverting the will of the POWs and obtaining their wholesale, voluntary cooperation with the North Vietnamese propaganda campaign.

The fortitude the American prisoners displayed in the face of torture was grounded in a conception of well-being that transcended relief from physical pain, lack of food or release from solitary confinement; the alleviation of these hardships was not to be bought at the expense of betraying their most deeply held beliefs and values. Their conception of well-being was expansive enough to include the well-being of their fellow prisoners, as well as an appreciation of the fact that collaboration with the enemy would reflect poorly on themselves and their country. Without a conception of well-being that transcended personal self-interest it would have been very easy for the prisoners to despair and cooperate with their captors. As it was, most American POWs acquitted themselves honorably.[149]

The focus on maintaining high standards of moral behavior, even in the most extreme situations, should not imply that an instance in which a person fails to behave ethically irredeemably compromises her moral character. The fact that the American POWs were all coerced into signing condemnatory statements does not indicate a lack of commitment to virtue. Virtue theory acknowledges that life often presents us with circumstances so challenging that few individuals possess the strength of character to overcome them, at least through their own resources. Practical wisdom requires insight into one's character flaws and an understanding of how various circumstances exploit these weaknesses. A virtuous person uses this knowledge to avoid situations in which the temptation to act unethically is too great or, if the situation cannot

---

[149] James Stockdale, *Courage Under Fire: Testing Epictetus's Doctrines in a Laboratory of Human Behavior* (Stanford University: Hoover Essays No. 6, 1993). The account of how American POWs resisted efforts to propagandize them makes for interesting reading. In particular, Vice Admiral James Stockdale provides a detailed account of how the POWs formed a covert network and communicated regularly in order to lift each other's spirits and provide support and guidance without which resistance to the North Vietnamese interrogation would not have been possible.

be avoided, she draws on the resources of friends and associates for support. In fact, the POWs' success in resisting North Vietnamese attempts to subvert them was partly attributable to the establishment of a communications network by which orders were disseminated and moral support and advice was provided. Without this communal support, maintaining their moral standards would have been much more difficult.

Given the example of the American POWs, a theory for promoting moral excellence should be sensitive to the realities soldiers face in combat, taking into account how situational factors influence moral behavior. Aristotelian virtue theory offers such a realistic account, one in which a moral agent cannot unreflectively conform to inflexible moral principles but must employ practical reason in order to ascertain how changes in circumstances affect the numerous ethically ambiguous situations that confront him.

The wars the United States has fought over the last several decades have increasingly been counterinsurgencies. Counterinsurgency operations are particularly challenging from an ethical perspective, requiring soldiers to interact closely with indigenous populations, a situation that demands an extraordinary degree of practical judgment and self-control. A soldier must not only have the courage and aggressiveness for combat operations but also cultivate the empathy and compassion necessary to treat noncombatants and enemy prisoners humanely. Often, the whole range of moral virtues are called into service within the span of a few minutes; a soldier who shoots and wounds an insurgent may be called upon to render first aid and evacuate him for medical treatment, despite the fact that the insurgent was trying to kill him a few minutes earlier. This is the standard of ethical behavior we ultimately hope to promote in American soldiers and which makes the understanding of the moral virtues and the possession of moral character so vital.

Unfortunately, there is widespread confusion within the armed forces regarding the nature of the moral virtues, particularly which character traits truly deserve to be classified as moral virtues and which are better described as 'military advantageous." The latter are traits that are essential to effective military service and receive an enormous amount of emphasis, but do not warrant consideration as virtues as they are too easily subverted to serve unethical ends. The following chapter will explore three of these traits in more detail, as well as consider how their ethical practice can be shaped and guided by the application of the elements of virtue theory that have been the focus of this chapter.

Chapter Three:

Quasi-Virtues: Loyalty, Obedience and Respect

3.1 Introduction

In the preceding chapter, I argued that moral character, which requires both an understanding and the possession of the moral virtues, is an essential requirement for soldiers if they are to conduct themselves with any degree of ethical reliability. This is not an especially controversial position; however, the moral virtues are, by their nature, highly context sensitive, a feature that complicates their practice. For instance, the virtue of courage can appear very different from one situation to the next. In some situations, courage manifests itself as physical action, such as when a soldier risks is life to further the goal of his mission. However, if we alter the circumstances slightly, that same act might be seen as rash, rather than courageous. In fact, without a sound understanding of the moral virtues, expressions of courage can even be misinterpreted as cowardice. For example, an officer's refusal to lead an attack that would only result in the meaningless death of his soldiers may be interpreted as cowardice by his commanding officer, when his refusal is really a demonstration of moral courage.

While the virtues are worth exercising in their own right, the example above illustrates that they are often exhibited in order to attain the end of a particular practice. Alistair MacIntyre defines a practice as "any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized."[150] This definition shares much in common with the Aristotelian conception of virtue defended in Chapter Two, inasmuch as the virtues are deliberately acquired, positive character traits that facilitate the

---

[150] Alsitair MacIntyre, *After Virtue* (University of Notre Dame Press: Notre Dame, 1981), 187.

attainment of a worthwhile end. Considering this, the end of a practice shapes the way in which the virtues are exhibited in many contexts. As a case in point, a physician may display compassion differently in her practice of medicine than the average person, withholding medical treatment that would only prolong suffering, an action that, in the eyes of a layperson, might appear callous or unfeeling.

Like the physician, a soldier's practice of the virtues is partly governed by how the virtues contribute to the attainment of a particular end. In regard to the military profession, that end is generally interpreted as winning military victories, and the way in which this end shapes a soldier's practice of the virtues can, at times, appear alarming to those outside the military. For instance, the harsh treatment that drill instructors meet out to soldiers, as well as the instructors' apparent lack of compassion for the soldiers' suffering, often strikes the uninitiated as unnecessarily cruel. However, from the instructors' perspective, based as it is on their practical experience, such treatment serves an important purpose, particularly if soldiers are to develop the physical and mental resilience to not only succeed, but also survive, in the combat environment. The inability to judge when compassion is called for, as well as how it should best be expressed, can lead to tragic consequences, particularly when soldiers find themselves facing the rigors of combat without adequate physical and mental preparation.

While winning its countries' wars is an obvious goal of an military institution, viewing the military's purpose as solely a matter of winning wars, without moral regard for the way in which that victory is achieved, is an exceedingly dangerous perspective and one that is not conducive to promoting ethical conduct. For instance, without a morally worthy end to guide it, military training can easily take on sadistic overtones that have nothing to do with developing soldiers' combat efficiency and, in fact, may undermine it. Instead, a more ethical way to view the

purpose of the American military institution is the defense of the nation and its citizens, the attainment of which requires honoring the values set forth in the U.S. Constitution. An awareness of the responsibility to honor these values can help guide the practice of the moral virtues as they are exercised on behalf of achieving the military's goal of national defense. However, even the way in which these values are honored is shaped by the end of military practice. For instance, some of the key personal freedoms expressed in the Constitution, such as freedom of speech, are curtailed for members of the U.S. military, as unfettered freedom of speech can undermine unit discipline.

The benefits that accrue from the practice of the military profession depend upon the moral character of the soldiers that make up the armed forces. Considering this, the American military acknowledges the importance of the moral virtues to military service and encourages their development. The most explicit way in which the military institution attempts to inculcate virtue throughout the ranks is by formally articulating the "core values" that underpin ethical military service. Naturally, the virtue of courage occupies a prominent place on the list, closely followed by honor, loyalty and duty, to name but a few.[151]

Unfortunately, two of the character traits the military elevates to the status of virtues, while indispensable to military practice, are equally efficacious at promoting unethical behavior. The first, loyalty, is essential to establishing a spirit of cohesiveness and teamwork among soldiers while, at the same time, it can motivate soldiers to subvert justice by closing ranks to protect those guilty of criminal behavior. The second trait, obedience, does not appear on any service's list of core values, though without it military service would not be possible.[152] The ethical

---

[151] U.S. Army Core Values website. Last accessed, February 24, 2014. http://www.army.mil/values/

[152] Unlike loyalty, none of the American armed services explicitly endorse obedience as a virtue nor do any of them list it among the core values that soldiers are encouraged to honor and develop. Nevertheless, formal military

problems associated with obedience have been well documented and I will not recount them here, apart from observing that, while an essential military attribute, obedience often short circuits soldiers' moral reasoning, influencing them to commit acts they would not have envisioned committing under ordinary circumstances.

Whether loyalty and obedience deserve to be classified as virtues is part of a broader question as to whether a moral virtue exercised in the service of an immoral end retains its moral character. Answering this question is less straightforward than it might initially appear. For instance, can the virtue of courage accurately be applied the German soldiers who defended the beaches of Normandy, since their actions ultimately benefited a totalitarian regime bent on subjugating the European continent? If the answer is yes, then the nature of the moral virtues seems to be compromised in a fundamental way. If the answer is no, then it seems that the supererogatory acts of soldiers who are merely pawns of an immoral regime are not only left unrecognized but must be condemned as immoral, a harsh judgment which does not seem entirely justified.

Whether the nature of the moral virtues is irreparably undermined if employed in the service of an immoral end is a complex question for which it is difficult to provide a definitive answer. For instance, in determining the moral worth of an act, one must take into account the intent of the agent as well as other circumstances, some of which are outside the agent's control. Unfortunately, it is not possible to do full justice to this topic apart from observing that even acts that further an immoral cause may not be completely without moral merit. However, in

---

training devotes a great deal of time to stressing the importance of obedience and, once soldiers arrive at their operational units, the emphasis on obedience continues, both explicitly and implicitly. Unfortunately, this emphasis on obedience is rarely, if ever, accompanied by any discussion of when disobedience to orders is justified nor how disobedience should be exhibited when it is justified. In some instances, obedience is an absolutely indispensable trait, while in others, is the source of a great deal of ethical harm. For this reason, I have included obedience in the discussion of the quasi-virtues.

accordance with the Aristotelian conception of virtue that has been defended thus far, the answer to the above question would have to be no, regardless of whatever emotional pull a soldier's self-sacrifice exerts on us. In the example above, the German soldier is not displaying courage in the full sense of what the term should convey since his act is ultimately in the service of a deeply immoral cause. However, this does not mean that the soldier does not merit some moral recognition; even Allied soldiers expressed admiration for the self-sacrifice of their German adversaries. Unfortunately, the language we use to describe virtue often does not distinguish the virtuous act done on behalf of a morally worthy cause from a similar act that ultimately serves an immoral end.[153]

Considering the way in which they can serve both moral and immoral ends, the traits of obedience and loyalty might be better understood as "quasi-virtues," traits that can appear virtuous in some contexts but that are actually ethically neutral. The concept of a quasi-virtue is not foreign to virtue theory as Aristotle applies this description to shame, a complex concept that can denote an emotion or an action.[154] Clearly, shame is not a virtuous disposition for in order to feel it one must have committed a wrong, something that a virtuous person would not do of his own volition. Furthermore, to intentionally and publicly shame another person, even when they are guilty of wrongdoing, can never be virtuous. However, the presence of shame is at least an indication that an agent has the moral sense to recognize that he has committed an

---

[153] Personally, I am inclined to use the word "brave" to describe a soldier, such as a Nazi defender of Normandy, who showed admirable resilience in the face of fear and reserve the word "courage" for acts that actually serve a morally worthy end. However, authoritative references on the English language do not make this distinction and the two words are generally used interchangeably in common parlance. Somewhat paradoxically, the legal language of the U.S. criminal code more accurately captures the varying distinctions that define different degrees of criminal behavior. For instance, the criminal code distinguishes the pre-meditated intent that characterizes first-degree murder from the lack of harmful intent that defines negligent homicide, and distinguishes the moral blameworthiness of both of these from the justifiable act of killing in self-defense.

[154] Aristotle, *The Nicomachean Ethics,* trans. David Ross (Oxford: Oxford University Press, 1980), 79. IV.9. 1128b10-15.

ethical violation. Additionally, the fear of shame can be a powerful influence on a person's ethical conduct. It is for this reason that Aristotle calls shame "a conditionally good thing."[155]

While fundamentally different from shame, obedience, loyalty and, to a lesser extent, respect, are also quasi-virtues in that they are only "conditionally good." The conditional nature of obedience and loyalty is especially problematic as the armed forces places a great deal of importance on these two traits and, because of this emphasis, these traits exert as much, if not more, influence over soldiers' ethical behavior as the moral virtues of justice and courage. In light of this, I believe that the traits of obedience and loyalty merit special attention and a significant portion of this chapter will be devoted to examining their affect on the practice of military ethics. For despite their propensity to influence unethical behavior, obedience and loyalty can be valuable character traits, particularly if their practice is shaped by the elements of Aristotelian virtue theory discussed in Chapter Two. For instance, a clearly established moral end can provide a framework for the practice of obedience and loyalty, placing the importance these traits in the proper ethical perspective. Also, soldiers who possess the full range of moral virtues, and the practical wisdom required to understand how they work in concert to promote moral behavior, will be more likely to understand the nuances involved with the practice of obedience and loyalty, and less likely to allow them undue influence in their ethical deliberations.

It may seem odd to classify respect as a quasi-virtue, as it is often perceived as an unalloyed virtue. However, while not as prone to abuse as obedience and loyalty, when unguided by a moral end, we can easily develop respect for the wrong people and concepts and this misplaced respect can leads us to make unwise ethical choices. Furthermore, unlike courage and the other

---

[155] Ibid., IV.9.1128b20-30.

moral virtues, respect still retains its essential nature, that of admiration and deference, even when displayed towards a person who may not ethically merit it. However, when guided by a morally worthwhile end, respect can balance the practice of obedience and loyalty, enhancing the way these problematic characters traits contribute to realizing the goods inherent in the practice of the military profession.

3.2 Obedience

Apart from courage, obedience is probably the character trait most commonly associated with military service and is of enormous practical value to the armed forces, imparting a cohesiveness and unity of purpose to an army without which it would be indistinguishable from a mob. Although the trait of obedience is fundamental to ethical military service, it does not meet the criteria for consideration as a virtue. First, obedience often facilitates a great deal of unethical conduct and a virtue, by its nature, should only promote moral ends. Second, there is a cognitive component to the practice of the moral virtues that is often absent in the practice of obedience. For instance, obedience frequently seems to require that we either ignore the dictates of our reason or disengage our rational faculties and place our trust in the judgment of those in positions of authority, thus relinquishing our moral agency. From the standpoint of encouraging moral behavior, both options are objectionable. From this perspective, obedience has more in common with a character trait like efficiency, which, though not a moral virtue, can facilitate the achievement of moral ends. Given these considerations, the goal of this section will not only be to illuminate some of the challenges that obedience presents to military ethics, but demonstrate how the elements of Aristotelian virtue ethics discussed in the preceding chapter can guide the practice of obedience and ameliorate its tendency to promote unethical behavior.

Without obedience, military service, as well as many other socially essential professions such as law enforcement, emergency medicine and fire fighting, would be impossible. Unfortunately, the intense indoctrination to which soldiers are subjected, while necessary, can also make it extraordinarily difficult for them to question even blatantly illegal orders when the need arises. Some have argued that the replacement of the military draft with an all-volunteer military has exacerbated the problem of unquestioning obedience in that it tends to attract individuals who are inordinately predisposed to defer to authority. As the legal scholar, Mark Osiel, notes "the rigid hierarchy of military life may be especially appealing to those who lack self-esteem and fear disapproval, those least able to adapt to new information or to cope flexibly with ambiguous, changing situations."[156]

While there is an element of truth to this assertion, for the most part it trades on an outdated stereotype of the military personality. The nature of modern warfare demands extreme adaptability and requires junior soldiers to possess a high degree of self-reliance and ethical maturity. However, while the military attracts a number of mature recruits with a strong sense of moral independence, many are still exceedingly young, often only in their late teens, and are at a stage when most individuals typically first experience a degree of ethical independence and come to appreciate what it means to be a morally responsible member of society. Military training that truncates the development of moral autonomy at this key stage can stunt soldiers' ethical development, affecting their capacity for moral reasoning and their willingness to analyze and question immoral orders.

The reluctance to challenge unethical orders is a concern at all levels of the chain of command; however, it is particularly troubling among officers, as their compliance lends an aura

---

[156] Mark J. Osiel, *Obeying Orders,* (New Brunswick: Transaction Publishers, 1999), 19-20.

of legitimacy to illegal directives.[157] The difficulty that many officers experience demonstrating even selective, morally informed disobedience is partly attributable to the tradition of professional obedience of the American officer corps to civil authority, particularly to the President as Commander in Chief.[158] Obedience to civil authority is one of the cornerstones of the professional military ethic and distinguishes the American military from the armed forces of many authoritarian countries, where the military leadership routinely interferes in domestic politics. In the past, this sense of deference was so pronounced that some prominent American generals refrained from voting in presidential elections, as they felt that it was unprofessional for an officer to cast a vote, either for or against, the Commander-in-Chief.[159] The subordination of the military institution to civil authority is at least partly responsible for the fact that the United States has never experienced the usurpation of civil authority by the military. Unfortunately, this sense of professional deference is also partly to blame for ethical lapses in situations in which senior commanders should have exerted greater moral autonomy.

---

[157] The harmful consequences of the Bush administration's sanction of torture were discussed in this dissertation in Chapter One, in particular how the endorsement of these techniques by Lt. General Sanchez, Coalition Ground Commander in Iraq, promoted the use of coercive interrogation methods at Abu Ghraib and other interrogation facilities.

[158] The following comments were made by Admiral Mike Mullen during his commencement address at the U.S. Naval Academy, May 23, 2003: "This is the sort of advice and counsel you might find yourself delivering one day to a future President or Secretary of Defense. When you do, make sure it is your best, most independent military opinion—neither constrained nor contaminated by personal politics. Part of the deal we made when we joined up was to willingly subordinate our individual interests to the greater good of protecting national interests. The military as an institution must remain a neutral instrument of the state, no matter which party holds sway. We give our best advice beforehand. If it's followed, great. If it's not, we have only two choices. Obey the orders we have been given, carrying them out with the professionalism and loyalty they deserve or vote with our feet. That's it. We don't get to debate those orders after the fact. We don't get to say, "Well, it's not how I would have done it," or "If only they had listened to ME." Too late at that point … and too cowardly. Few things are more damaging to our democracy than a military officer who doesn't have the moral courage to stand up for what's right or the moral fiber to step aside when circumstances dictate." Last accessed on June 02, 2014. http://www.navy.mil/navydata/people/AsstSecIE/Penn/Speech/introduction_of_Chairman_Mullen_at_Naval_Academy_graduation_23_May_08.pdf

[159] Remarkably, Dwight D. Eisenhower never entered a polling place during his military career, believing that the nature of the military profession and deference for the Commander-in-Chief, made it unethical for serving officers to participate in domestic politics. However, some generals were anything but hesitant to publicly challenge the President. Union general George McClellan and General Douglas A. MacArthur come to mind. Last accessed June 02, 2013. http://millercenter.org/president/eisenhower/essays/biography/3

One of the more influential academic works that addresses the topic of military obedience is Samuel P. Huntington's, *The Soldier and the State*, which enjoyed a wide circulation when it was first published in 1957, and expresses views that still resonate within the American officer corps.[160] Huntington, one of the first academics to devote serious study to military ethics, asserts that military officers' professional code prohibits them from challenging civil authority except in situations that directly pertain to their military expertise, such as tactical or operational decisions. However, when it comes to determining whether *jus ad bellum* requirements have been met, Huntington declares that, "the superior political wisdom of the statesman must be accepted as a fact."[161] As Huntington observes:

> If the statesman decides upon a war which the soldier knows can only lead to national catastrophe, the soldier, after presenting his opinion, must fall to and make the best of a bad situation. Except in the most extreme instances it is reasonable to expect that [the officer] will adhere to his professional ethic and obey. Only rarely will the military man be justified in following the dictates of private conscience against the dual demand of military obedience and state welfare.[162]

Huntington theorizes that it is not the duty of military officers to decide questions of war and peace that are properly the prerogative of civilian statesmen. Furthermore, he asserts that a military officer's obligation to defer to civil authority extends even to the most extreme circumstances, going so far as to condemn the German military officers who actively opposed the Nazi party's policy of waging aggressive war.[163]

---

[160] George R. Lucas, "Advice and Dissent: The Uniform Perspective," *Journal of Military Ethics*, Vol. 8, No. 2, 141-161, 145. Huntington's perspective on military obedience still influences the thinking of many politicians and military officers, often to the detriment of the nation's best interests. A recent example of this emerged in April 2006 when several retired generals questioned the prosecution of the Iraq war, specifically criticizing the interference of Secretary of Defense, Donald Rumsfeld in tactical and operational matters. The retired generals were harshly criticized by Colonel Don Snider and Colonel Rick Swain, both leadership instructors at the United States Military Academy at West Point. Snider went so far as to assert that the limitations imposed by the military's 'professional ethic,' are so stringent that even retired officers, who retain their commissions in retirement, are bound to refrain from public criticism of civil authority. For his part, Swain suggested that these retired generals should be recalled to active duty and court-martialed for insubordination.

[161] Samuel Huntington, *The Soldier and the State,* (Cambridge: Harvard University Press, 1957), 76.

[162] Ibid., 69-78.

[163] Ibid., 70.

While there is great value Huntington's work on civil-military relations, the degree of deference that he believes the military's senior leadership owes civil authority is excessive, to the point of undermining the welfare of the very nation that the military leadership is sworn to protect. His condemnation of the German officers who formed the resistance against the National Socialist regime is especially puzzling; certainly such a case would be one of the rare instances that justify disobedience to civil authority. Furthermore, the ethical issues that form the basis of *jus ad bellum* decisions are as much within the competence of the military officer as the politician. In fact, the military officer's opinion on such matters may be more authoritative, as he is more likely to have witnessed first hand the tragic results of wars waged in contravention of *jus ad bellum* requirements.

Nonetheless, Huntington is essentially correct when he asserts that senior military officers must generally defer to political authority on questions of whether to commit the country to war. While military officers' judgment of ethical and political matters may not be inferior to that of politicians, they are not necessarily superior to it, either; there are numerous examples of senior officers offering advice to the President that would have had disastrous consequences had it been followed.[164] However, what force Huntington's argument possesses is grounded in the fact that those politicians who exert constitutional authority over the military are either the democratically elected representatives of the citizenry or are political appointees and, thus, indirectly represent the electorate's collective will. In itself, this is a powerful reason for senior officers to defer to civil authority. However, this does not mean that senior officers must quietly acquiesce while

---

[164] The endorsement of the Bay of Pigs invasion and the counsel offered to President Kennedy during the Cuban Missile Crisis are but two examples of egregiously bad military advice offered to the President of the United States by his military advisors. In the later instance, a review of pertinent documents and interviews with former Soviet politicians and generals reveal that following the advice of the Joint Chiefs would have resulted in an exchange of nuclear weapons between the U.S. and the Soviet Union.

the nation's elected leadership embarks on a war that they firmly believe will damage the nation's security and moral standing in the world. The ethical issues surrounding the military's constitutional duty to defer to civil authority, particularly in regards to *jus ad bellum* considerations will be taken up in greater detail in Chapter Four.

Unfortunately, the deference that military officers owe the elected civilian leadership is often mistakenly believed to extend to tactical and operational matters, as well. However, tactical and operational military decisions lay solely within the military officer's area of expertise, which justifies opposition to presidential and congressional directives that conflict with good military judgment. Historically, this is a distinction that both officers and politicians have had difficulty appreciating. One of the more unfortunate examples of ill-advised deference to civil authority was the acquiescence of the Joint Chiefs of Staff to the operational meddling of Presidents Kennedy, Johnson and Nixon, and their national security staffs, during the Vietnam War.[165] General Harold. K. Johnson, who served as Army Chief of Staff during part of this period, described his conflict of conscience in following orders he viewed as not only misguided, but dangerous:

> I remember the day I was ready to head over to the Oval Office and give my four stars to the President and tell him, "You have refused to tell the country they cannot fight a war without mobilization; you have required me to send men into battle with little hope of their ultimate victory; and you have forced us in the military to violate almost every one of the principles of war in Vietnam. Therefore, I resign and will hold a press conference after I walk out of your door."--I made the typical mistake of believing I could do more for my country and the Army if I stayed in than if I got out. I am now going to my grave with that burden of lapse of moral courage on my back.[166]

The approach General Johnson chose to adopt is typical among military officers. Most believe that by remaining at their post rather than resigning they can use their influence to steer civil

---

[165] The Joint Chiefs of Staffs is an advisory body composed of the chiefs of the four armed services who, in addition to advising the President on military matters, also oversee the operations of their own respective branches of service.
[166] H.R. McMaster, *Deriliction of Duty: Lyndon Johnson, Robert McNamara, The Joint Chiefs of Staff, and the Lies That Led to Vietnam* (New York: HarperCollins, 1998), 90.

authority towards adopting wiser and more just policies. However, as demonstrated by General Johnson's experience, what usually happens is that their acquiescence often undermines future attempts to influence civil-military policy decisions.

The reluctance to challenge civil authority publicly is partly motivated by the worry that such public disobedience will be interpreted as a usurpation of civil authority. However, such a concern is unfounded, particularly the form of disobedience General Johnson contemplated, which is more akin to civil disobedience than arrogation of political authority. The resignation of a general officer and the public airing of his concerns is a powerful form of protest that has the potential for generating valuable debate while, at the same time, preserving the civil authority's preeminence over the military institution. Sadly, General Johnson never carried through with his intentions and his experience reflects that of many senior officers of the Vietnam era, who felt a misplaced sense of professional obligation to carry out policies that conflicted with their best military and ethical judgment.

None of this is meant to suggest that challenging civil authority is a decision to be taken lightly. Generals and admirals operate in a realm in which political and military decisions are often deeply intertwined and it is not a simple matter to separate the two. Officers are morally blameworthy if they fail to oppose policies that blatantly violate *jus ad bellum* considerations. However, like most legal concepts, *jus ad bellum* requirements are open to interpretation and do not always provide unequivocal guidance. At what point does the war policy of the President and his national security staff become unethical? When do the dictates of an officer's conscience override his professional responsibility to obey civil authority? These are difficult questions for which no textbook solution can be provided, as the answer will vary according to context and circumstance. The disobedience of a general officer to the orders of the NCA

carries grave consequences, for the nation as well as the officer in question. This recommends that senior officers exercise a great deal of circumspection before blatantly challenging civil authority. However, their oath to the Constitution requires that they provide their superiors with candid professional advice, even if this comes at great personal cost.[167]

Some of the challenges that general officers grapple with are also shared by more junior officers and enlisted soldiers, to which are added further complications. First, the idea that soldiers are morally obliged to disobey the orders of their superiors in certain instances is a relatively recent concept, against which there continues to be some institutional resistance. Traditionally, individual initiative on the part of soldiers was neither demanded nor welcomed; soldiers were merely meant to serve as "cogs in a well-oiled machine that did as their officers instructed."[168]

Second, operational and tactical necessity require that soldiers relinquish a degree of autonomy when they volunteer for military service. For the armed forces to function effectively, every order cannot be open to debate. It is a very different matter for a senior general with thirty-five years of military experience to challenge an order from the President than it is for an army private to refuse to obey an order from his platoon commander. If the latter case were to become common, it would produce a level of anarchy as ethically harmful as unreflective compliance to unlawful orders. Furthermore, many orders are simply beyond the capacity of most soldiers to challenge, not necessarily due to any intellectual deficiency, but because they usually lack access to the information needed to make an informed, responsible decision. For instance, the circumstances that determine whether a declaration of war is justified can be exceedingly complex, such that even experienced statesmen and diplomats

---

[167] Lucas, 145.
[168] Osiel,180.

struggle to provide a definitive answer. By contrast, the average soldier usually has neither the resources or experience to form a competent judgment as to whether the war in which he is order to fight is justified, except in extreme cases. On the other hand, judging whether orders conform to *jus in bello* considerations is a decision for which even junior soldiers can and must be held accountable.

Group dynamics also exert a powerful influence over a soldier's willingness to obey unlawful orders. Humans possess a powerful herd instinct as well as a tendency to defer to those whom we perceive as holding positions of authority. The combination of these two tendencies can make it very difficult for soldiers to disobey orders, particularly if disobedience entails going against the grain of group opinion, even for a morally worthy cause.[169] As Michael Walzer notes, "To disobey is to breach that elemental accord, to claim a moral separateness (or a moral superiority), to challenge one's fellows, perhaps even to intensify the dangers they face."[170] This observation captures what may be the most difficult aspect of disobedience, the sense of breaking faith with the group with which one identifies and from which we derive moral support for our actions. Doing the right thing is often difficult under the best of circumstances, but it becomes even more challenging when in doing so a soldier incurs the wrath of his superiors as well as the scorn of his peers. Even the most morally autonomous among us require validation from time to time, and when we break faith with the group to follow the morally sound dictates of our own conscience, we are often plagued by the sense that we

---

[169] It is important to bear in mind that the group dynamics and other psychological influences that tend to undermine the capacity of a soldier to resist unlawful orders can also influence disobedience to legal and humane directives.
[170] Walzer, 71.

have committed an act of betrayal.[171] That disobedience is often interpreted as disloyalty can makes even disobedience to egregiously unlawful orders very difficult.

The sense of betrayal that often accompanies disobedience draws attention to loyalty, another character trait that is of central importance to the military profession and one that, like obedience, is more accurately viewed as a quasi-virtue in that it is only "conditionally good."

3.3 Loyalty

The traits of obedience and loyalty are deeply intertwined, and together they exert a considerable influence over soldiers' ethical behavior. In virtually every survey of combat veterans, loyalty to comrades and the consequent fear of failing them is cited as one of the most powerful forces motivating soldiers to fight; in fact, when soldiers from different units are thrown together, their combat effectiveness is drastically diminished.[172] Considering this, developing bonds of loyalty is vital to the process of turning a group of disparate individuals into an effective fighting force. Therefore, military training focuses on forging the necessary bonds of loyalty that are essential in developing a sense of teamwork and unit integrity that can withstand the stress of combat operations.

Of course, loyalty's value transcends its contribution to military operations. Much of the preceding discussion focused on how the practice of the virtues contributes to human well-being. While not a moral virtue, loyalty is a trait that is essential to living a full and meaningful life. A large component of well-being involves living harmoniously with others in one's community and the ability to demonstrate loyalty forms an integral part of that process. One might go so far as to say that loyalty is a trait that is hard wired into our DNA. From an evolutionary perspective,

---

[171] Ibid.
[172] Dave Grossman, *On Combat* (Warrior Science Publications: 2004), 207-208. Also see Grossman, *On Killing,* 89-90.

in a natural world that presented harsh challenges, cooperation with others exponentially increased an individual's chances of survival. In such contexts, loyalty was absolutely essential; groups that formed strong bonds of loyalty, and consistently honored them, fared better than those that did not. The inability of an individual to be loyal could very well entail his expulsion from the group, with dire consequences. Therefore, the ability to form bonds of loyalty and adhere to them was as essential for survival as physical courage. While most of us no longer suffer such a precarious existence, the combat soldier is routinely thrown into situations in which established bonds of loyalty can mean the difference between life and death.

While for most of us loyalty is no longer directly tied to physical survival, it continues to play an important role in an ethical life. For instance, most modern ethical theories maintain that we have a moral duty to others that is at least as important as our duty to ourselves. In light of this, loyalty can counteract the temptation to place our own needs over those of others. Furthermore, how we honor our various loyalties communicates a great deal about who we are and what we value.

Our loyalties also play a critical role in shaping our perception of the world and our understanding of what constitutes moral behavior, which, in turn, influences the decisions that we make.[173] As Troy Jollimore observes:

> Living loyally, and making the sacrifices demanded by loyalty, come to be seen as practices that enrich a person's existence; indeed they must come to be perceived in this way if appeals to the rhetoric of loyalty are to be effective, particularly in cases where acting as loyalty demands means putting one's life on the line, or performing actions that would otherwise strike one as morally repellant.[174]

Jollimore's observation is particularly apt in military contexts, where the bonds of loyalty soldiers develop often inspire them to supererogatory acts that challenge the comprehension of

---

[173] Troy Jollimore, *On Loyalty* (New York: Routledge, 2013), 2.
[174] Ibid., 5.

many outside of the military community. Loyalty also partially explains how soldiers are able to steel themselves towards the act of killing, an activity towards which most humans display a visceral revulsion.

The key to understanding the motivational force of loyalty lies in comprehending how it involves the integration of an individual's self-interest with the needs of others. For instance, if a soldier comes to view his country as an extension of himself, so that an attack on his country is an attack on him as well, then risking his life in defense of his country does not seem so much like a sacrifice than a form of self-defense.[175] The surge in enlistments after the terrorist attacks of September 11, 2001 attests to the motivational force of this form of loyalty. Loyalty's motivational force becomes even more apparent when we consider the intense bonds of loyalty a soldier forms towards his peers, particularly at the small unit level.

There should be no doubt that loyalty is a highly desirable character trait that can enrich our lives. Unfortunately, loyalty, like obedience, is often mistakenly perceived as an unambiguous virtue, whereas it should be viewed as a quasi-virtue that, without guidance, is equally apt to motivate virtue or vice. For instance, loyalty can promote ethical behavior by rendering certain acts, such as the betrayal of one's country or family unimaginable. Conversely, loyalty can also facilitate vicious acts, influencing us to disregard the moral claims of those who fall outside our customarily observed circles of loyalty.

Loyalty possesses the feature of being specifically directed towards certain individuals and groups in a way in which the moral virtues are not.[176] For instance, the moral virtues of generosity and courage should not be confined to members of one's own family or circle of friends, to the exclusion of others. By contrast, loyalty is necessarily partial; the idea of being

---

[175] Ibid., 4.
[176] Ibid., xiv.

loyal to everyone dilutes the concept of loyalty to the point where it is meaningless.[177] Compounding this partiality, we often feel an intense obligation to demonstrate loyalty on occasions where the objects of our loyalty have been accused of behaving unethically in some way. It should be acknowledged that, at these times, loyalty potentially provides a valuable service by forestalling a precipitous rush to judgment. Unfortunately, loyalty also has the undesirable effect of distorting our moral perceptions. Loyalty often entails what has been described as 'epistemic partiality,' a disposition that makes a person less likely to form and maintain negative beliefs about one's closest associates based on available evidence, clouding one's judgment as to whether certain bonds of loyalty deserve to be honored and at what cost.[178] As a result, loyalty often facilitates a disturbing degree of moral blindness.

Most of us possess a wide range of loyalties, all of which impose particular obligations. There is the type of loyalty, more accurately characterized as fidelity, which we owe to oaths we have taken, such as marriage vows or oaths of public office. There is the loyalty we owe members our family and the fraternal loyalty we observe for our friends and colleagues. Finally, there is a loyalty an individual owes to himself and the dictates of his conscience.

Undoubtedly, we all have experienced the pull of these loyalties to varying degrees and are cognizant that some exert a more powerful pull than others. One way of viewing our relationship with these various loyalties is to view them as a series of concentric circles, with the individual at the center. The loyalty that usually exerts the most visceral pull, familial loyalty, occupies the space nearest the individual, followed by the circle representing loyalty to close friends, then colleagues and acquaintances and finally, at the outer periphery, the loyalties owed

---

[177] Mitchell Jones, "Loyalty in the Military: Some Preliminary Reflections" *Criminal Justice Ethics,* 29:3, 291-305, (2010), 294.

[178] Peter Olsthoorn, *Military Ethics and Virtues: An Interdisciplinary Approach for the 21st Century* (New York: Routledge, 2011), 68.

to organizations and states. However, this visualization is merely a generalization; by no means does it conform to the way everyone views their relationship to the competing loyalties they experience. For some, loyalty to friends is paramount, even over the demands of family. Others see loyalty to their profession or country as more important, going so far as to neglect their families in favor of it.

Of course, sorting out conflicts between competing loyalties is more challenging than the rough order of precedence would indicate. Complex circumstances often cloud moral judgment and demonstrations of loyalty can often entail significant legal repercussions, a situation that often occurs in military contexts. The loyalty an officer feels towards his subordinates can conflict with that which he feels towards his seniors and both of these loyalties can conflict with the fidelity he owes to his oath of office. The situation becomes even more complex when one factors in the consideration a soldier owes to the judgments of his conscience and when such situations arise they can tax the practical reason of the wisest solider. As Nigel de Lee points out:

> The simultaneous demands of these objects of loyalty can confuse and paralyze the thoughtful officer facing a moral dilemma. Where should the priority be? To the private interests of conscience or the public duties to senior ranks, army and the state? According to the conventional theory, public obligations must override private and as the military is an interest of the state, military interests must give way to political. But the state is only an instrument of civil society and beyond the state and nation is humanity as a whole.[179]

The conflicted feelings that often accompany loyalty accentuate another unique feature of loyalty observed by Philippa Foot, which is that "cases of loyalty provide numerous example of situations in which a person can only become good in one way by being bad in another."[180] No matter which loyalties we choose to honor, we are often left with an aching sense of having committed an act of betrayal, despite having acted on the most well-considered reasons.

---

[179] Nigel de Lee, "The Case of Colonel Hackworth" *Journal of Military Ethics* (2004) 3(1): 64.
[180] Jollimore, 51.

Exactly where the "private interests of conscience" referred to by de Lee fit into one's network of loyalties raises some concerns about something that is generally taken for granted outside the philosophical community, the concept of loyalty to oneself. Loyalty is generally thought of as an externally directed feeling or disposition, such as the loyalty we feel towards a particular person, a group or, in the case of fidelity, to an oath. Loyalty to self, if such a thing can be said to exist, seems to be something different, though it is difficult to pin down exactly what it is different about it. For instance, the loyalty we express for others, and the fidelity we observe towards the oaths to which we swear allegiance, are very much a direct reflection of ourselves and what we hold to be important. Considering this, it is difficult to separate completely the loyalty we feel to others from loyalty to "self." Furthermore, when we say we must be loyal to ourselves, it is hard to determine what we are observing loyalty to; our rational deliberations, the emotions that we feel, or some combination of the two.

In one sense, the concept of self-respect comes close to capturing the nature of this elusive concept. A key component of ethical conduct is the ability to demonstrate moral autonomy. A person can hardly be ethical if he consistently bases his own opinions and actions on the opinions and actions of others. In order to be an autonomous moral agent, we need to have consideration for the conclusions we arrive at through our own independent judgment. For instance, my brother may require my assistance with a business project that, to my mind, is unethical. Though I may feel that loyalty demands that I assist him, despite my personal reservations, I also feel the pull of my conscience, and decide that I must act in accordance with my own best judgment. While this seems to come close to what we would think of as loyalty to self, it might be more accurately described as a display of integrity, ensuring my actions match my beliefs arrived at through rational deliberation.

Regardless of how we interpret loyalty to self, as self-respect or as integrity, the difficulty in prioritizing loyalties is at the root of a great deal of unethical behavior. For instance, an Australian Senate inquiry looking into the source of unethical conduct in the Australian armed forces found that although the military culture fosters a strong sense of solidarity and loyalty, these same traits also have the potential to create blind spots in institutions and its members. Such unreflective loyalty breeds a culture of silence, as speaking out is seen as an act of disloyalty.[181] One soldier interviewed for the study reported observing a "dangerous, myopic attitude, held by some, that 'loyalty to your mates' is, in essence, above all else, and that reporting on your mates is equivalent to committing a serious crime, even if it involves doing the right thing and reporting drug users."[182]

It should come as no surprise that misplaced loyalties are source of significant ethical problems within the American armed forces as well, which run the gamut from institutionalized fraud and intentional misreporting of combat readiness to cheating on exams. The report found that many soldiers, particularly officers, often privilege loyalty to their specific branch of service and their personal career over loyalty to their country.[183] It is worth noting that the inability to resolve conflicting loyalties contributed to the moral failures of the Joint Chiefs of Staff in their prosecution of the Vietnam War. Each service chief was unduly motivated by loyalty to his particular branch of service, and how it could benefit from contributing to the war effort, at the expense of the soldiers they were charged with leading and to the detriment of the nation as a whole.[184]

---

[181] Jones, 293.
[182] Ibid.
[183] Ibid.
[184] H.R. McMaster, 44. As McMaster observes of the inter-service rivalries, "The Navy stayed aloof from the debate because the outcome of the discussion was less consequential for the Navy than for the Air Force or Army.

3.4 Virtue Theory's Contribution to the Practice of Obedience and Loyalty

While virtue theory does not provide a panacea for the challenges presented by loyalty and obedience, it can shape their ethical practice. For instance, a step toward correcting the deficiencies noted in the preceding section is to ensure that soldiers are adequately educated on the moral end of the military practice, as well as on how the virtues of loyalty and obedience contribute to that end. As part of this end, it is also important that soldiers are imbued with a sense of respect for the values articulated in the U.S. Constitution and an appreciation for how these values should guide their military service. Considering this, it is important for soldiers to understand that how a victory is won is often as important as the victory itself and that, as representatives of a country founded on liberal, democratic ideals, soldiers have a responsibility to conduct themselves ethically in the pursuit of this mission.

In addition to their oath to the Constitution, soldiers experience many other loyalties that pull them in opposing directions. For its part, the American military is aware of how conflicts between competing loyalties challenge moral reasoning and has developed guidance meant to assist soldiers in meeting this challenge. For instance, as part of their formal ethics education, naval cadets are taught that when confronted by conflicting loyalties, they should consult the following hierarchy in order to determine which loyalty should take precedence:[185]

1. Constitution
2. Mission
3. Branch of Service

A fixation on limited war was less likely to cut into the Air Forces strategic nuclear force, just as Eisenhower's policy of massive retaliation had strengthened it at the Army's expense. The Navy, however, had succeeded in carving out a role independent from the contest. Adm. David McDonald, like the Chiefs of Naval Operations (CNOs) before him, was interested primarily in maintaining America's global dominance at sea."

[185] George R. Lucas and Captain W. Rick Rubel, *Ethics and the Military Profession* (Boston: Pearson Custom Publishing, 2010), 59.

4. Ship or Unit
5. Shipmate
6. Self/Integrity

According to this hierarchy, fidelity to the U.S. Constitution overrides all other loyalties. For instance, even if the success of a mission hinges on extracting information from a prisoner and a soldier's commanding officer orders him to torture the prisoner in order to obtain it, a soldier's oath to the Constitution and the values it embodies forbids it.[186] A sailor's loyalty to the Navy and his duty to consider what is in the best interest of the naval service should prevent him from falsifying maintenance records for the purpose of helping his ship pass a readiness inspection. A soldier's loyalty to his comrades requires him to risk his life in their defense. The formal hierarchy of loyalties also serves as a rough guide for soldiers struggling to decide whether they are justified in disobeying a particular order. For instance, all other things being equal, an order from the ship's captain usually overrides the order of one of the ship's junior officers and, regardless of the rank or status of the official, no orders can superseded the principles set out in the Constitution. As we saw in Chapter One, the President may not order one of his military aides to lie to or otherwise mislead Congress.

Beyond providing an order of precedence for ranking loyalties, this hierarchy attempts to provide two things that, from a virtue ethics perspective, are important. First, it provides an end or, more accurately, a network of ends, meant to shape ethical behavior, with each end subordinated to, as well as supporting, the end immediately above it. Second, it provides a rough form of decision procedure for soldiers to consult when confronted with ethical conflicts. Technically, this second point is not something upon which virtue theory places much emphasis,

---

[186] The oath soldiers take to support and defend the principles embodied in the U.S. Constitution includes international treaties ratified by the Senate that forbid the practice of torture.

ethics being too complex to be guided by invariable rules. However, Aristotle does assert that acting virtuously is a matter of practical reason informed by experience, and that young people are especially handicapped in this regard, having little life experience to draw from in making ethical decisions. Given that a large percentage of soldiers are relatively young (twenty percent are between the ages of eighteen and twenty-one) it is a matter of practical necessity to provide some form of guidance designed to assist them in mediating ethical conflicts. Furthermore, maturity is no guarantee that a soldier will have acquired the wisdom necessary to determine the correct course of action when confronted with conflicting loyalties, particularly when the conflicting loyalties evoke strong emotions that cloud moral reasoning. In such cases, it can be useful to have such guidance at hand. Since Aristotle, himself, stresses the importance of practicality to ethical deliberation, the employment of a such a hierarchy to help guide ethical reasoning in difficult circumstances does not seem particularly objectionable from the standpoint of virtue theory.

Still, many conflicts between competing loyalties cannot easily be resolved simply by consulting a checklist. Therefore, it is important to bear in mind that hierarchies and decision procedures can only serve as a general guide; dogmatic adherence to them can cripple ethical reasoning. For instance, a combat mission may be structured in such a way that a soldier finds the mission objectionable on moral grounds. An example of this would be a military pilot assigned to conduct a bombing raid that, based on his professional experience, he believes entails unacceptable risk to noncombatants. However, according to the official hierarchy of loyalties, the mission supersedes the pilot's loyalty to self, including his personal moral deliberations. Furthermore, the mission may not appear to conflict with the loyalty the pilot owes to entities on the hierarchy that supersede loyalty to the mission, such as the Constitution. Also, it should be

noted that the objects of the pilot's moral concern, enemy noncombatants, do not appear on the hierarchy of loyalties, at least not explicitly.

Another challenging aspect of the military's official hierarchy of loyalties is that it organizes loyalties in the reverse order from how we naturally tend to prioritize them. In light of this, reconciling the loyalty a soldier owes to the Constitution with that which he owes to his comrades and family can be a source of significant inner conflict. For instance, the loyalties generally become more abstract as one ascends the hierarchy. As these loyalties become less personal and more abstract, the emotional pull they tend to exert is correspondingly attenuated. In contrast to familial and fraternal loyalty, fidelity to the Constitution does not typically carry the same emotional weight. However, as difficult as it often is for a soldier to internalize this hierarchy and abide by it, military service would be impossible if loyalty to comrades were consistently privileged at the expense of more abstract loyalties. In many cases, loyalty to the mission requires soldiers to take extraordinary risks and accept that mission success may come at the cost of their own lives.

The challenges described above illustrate why it is so vital that soldiers understand the ethical end of military service, as well as how their own well-being intersects with that end, as without this understanding, the hierarchy of loyalties appears to be just an arbitrary ordering. As discussed in Chapter Two, in order for a concept of well-being to influence ethical behavior, it needs to extend beyond the well-being of the individual, narrowly construed, and encompasses the well-being of the community as a whole. For soldiers, this concept of community includes the various levels of the command structure of which they are a part, such as their unit, branch of service and, finally, the nation, represented by the Constitution. Along with this, soldiers should possess an understanding of how each of these levels is interdependent, and how their

actions affect not only their own well-being, but also that of their unit and branch of service. If such a conception of well-being can be internalized, it could help correct soldiers' tendencies to prioritize personal loyalties when it is not ethically justified. How this internalization can be facilitated will be examined in greater detail in Chapter Four.

Rules for prioritizing loyalties are impotent if those for whom they are meant possess neither the practical reason required to apply them to actual situations nor the moral fortitude to implement them in the face of criticism. No formal hierarchy can adequately resolve all of the different competing loyalties that soldiers may face. Civic loyalty does not automatically override loyalty to family and friends, nor does family loyalty always take precedence over loyalty to those outside our family circle. Ultimately, practical wisdom, gained through experience and informed by an expansive concept of well-being, is required to sort out conflicts. Therefore, soldiers need to possess the practical wisdom to work through conflicts of loyalty that the hierarchy does not adequately address. Furthermore, without moral courage and the knowledge that their actions are serving a morally worthwhile end, soldiers are unlikely to withstand the condemnation directed at those who, when circumstances require it, honor more abstract loyalties at the expense of loyalty to the group. For the most part, soldiers with strong moral character will be more adept at sorting out conflicting loyalties and determining which ones are morally worthy of being honored at the expense of others.

3.4.1 Moral Climate

The capacity for ethically informed dissent is a trait that the American military should encourage among its members. However, developing within soldiers the moral fortitude required for ethical dissent is a daunting challenge, particularly when most military training is designed to reinforce soldiers' willingness to obey orders unquestioningly. The practical focus of Aristotelian virtue theory recognizes that virtue cannot flourish in an ethically hostile environment and overcoming the challenges involved with obedience largely depends on the moral climate of the unit in which the soldier serving. For instance, soldiers serving in units where the leadership crushes any expression of rational dissent are particularly susceptible to committing moral abuses. Soldiers in such units are also extremely reluctant to take any initiative when they see abuses being committed. Conversely, the best military commanders foster an environment in which subordinates have the latitude to request clarification and raise rational objections to the orders they are given. They also tend to delegate authority to the lowest level in the chain of command that is advisable, depending on the scope and difficulty of the operation. This encourages soldiers to develop practical reasoning skills and promotes the development of moral autonomy without unduly undermining the obedience that is critical to efficient military operations. Rather than turning soldiers into disinterested bystanders, such a policy invests soldiers with a sense of ownership over the operations they are charged with carrying out, increasing the likelihood they will assert themselves when issued morally questionable orders or when they witness unethical behavior. Promoting this type of environment requires a commander with an unusually strong moral character as well as self-confidence, as it involves accepting a degree of risk that soldiers may exert autonomy in situations when it is not appropriate. It also requires that officers and NCOs at every level of

the chain of command tolerate a certain degree of dissent and come to appreciate that the expression of morally informed dissent is not synonymous with an act of unreasoned and willful disobedience.

There is a worry that encouraging the expression of moral autonomy will compromise military discipline, particularly in circumstances in which immediate obedience is vital. While instant obedience is essential when it comes to orders that are purely tactical in nature, most unethical behavior arises in situations in which there is adequate time for soldiers to evaluate and reflect on an order's lawfulness. For instance, the decisions that led interrogators and guards to mistreat detainees at Abu Ghraib and Guantanamo Bay were made in as close an approximation of a 'cool hour' as is possible in a military context; any sense of urgency was mostly a product of irrational anxiety, not military necessity. Soldiers tend to be extremely sensitive to the exigencies of a situation, especially when their lives are on the line, and generally understand when the time for debate has past.

Promoting a moral climate, one in which rational dissent is tolerated, sets the conditions for the development of moral autonomy. However, if the military is to encourage soldiers to assert themselves in ethical matters, then it must take steps to promote the capacity for practical reason, without which soldiers can easily misjudge when it is appropriate to challenge authority, thereby realizing the skeptics' worst fears. Methods by which practical reason can be developed will be addressed more fully in Chapter Five. In the meantime, perhaps the most effective way by which to demonstrate how practical reason contributes to domesticating the quasi-virtues is by revisiting two examples cited in Chapter One. In particular, re-examining these two incidents from the perspective of virtue theory will reveal how the application of practical reason would

have enhanced the participants' understanding of the ethical practice of obedience and loyalty, which, in turn, would have guided them to an ethical solution to the challenges they faced.

The first example described the acquiescence of the Joint Chiefs of Staff to the unethical policies of the National Command Authority during the Vietnam War.[187] The Joint Chiefs committed two errors in practical judgment; the first involved misinterpreting of the nature of the obedience that they owed to civil authority, viewing it as encompassing not just political policy, but as extending to operational and tactical decisions, as well. The second was an inability to understand and prioritize the conflicting loyalties they owed to their respective branches of service, to the President as Commander-in-Chief, to the Constitution, as well as to the soldiers under their command.

Defending the values and principles articulated in the Constitution constitutes the overarching end of military service. The two errors in practical reason referred to above are interconnected insofar as both resulted from a lack of appreciation for this end. A soldier's oath to the Constitution dictates, to a large degree, the ordering of his other loyalties, even those that he owes to his family. In regard to obedience, the oath to the Constitution also prioritizes an officer's obligation to obey some orders at the expense of others. For instance, an officer's obligation to support and defend the Constitution should carry greater weight in his deliberations than an order from the President, particularly one that clearly violates constitutional principles. Had the Joint Chiefs fully appreciated this concept, and assigned it the weight it warranted in their ethical deliberations, they would have viewed their loyalty to their respective branches of service and the President in the proper relation to their fidelity to the Constitution, and acted accordingly.

---

[187] Chapter One, 36-39.

The Joint Chiefs also displayed a stunning lack of practical wisdom regarding something of central ethical importance, the affect of moral climate in shaping ethical conduct. The Joint Chiefs' acquiescence to McNamara's misguided policy of attrition warfare and their insistence, despite solid evidence to the contrary, that field reports validate this tactic reverberated throughout the armed forces, creating an ethical climate in which deception was institutionalized. This institutionalized deception, in turn, infected the entire chain of command, from private to general, gutting morale and ethical resolve in the process. Furthermore, this institutionalized deception no doubt negatively affected how officers practiced the other virtues, such as justice. For instance, it is difficult to punish soldiers for lying under one set of circumstances while, at the same time, encouraging them to falsify body counts in official reports.

Of course, soldiers are not pure reasoning machines; their ethical deliberations are affected by their emotions. In fact, one of the challenges of war is coping with the strong emotions that combat evokes, many of which are ethically counterproductive. In particular, the thick loyalties that are forged between soldiers as a result of their combat experiences usually have an intense emotional component that can cloud moral reasoning. This was the case for the Iran-Contra conspirators, who allowed the emotional pull of their thick loyalties to their fallen American and Vietnamese comrades to eclipse the fidelity they owed to the Constitution. Through the inability to prioritize these loyalties, these officers (as well as many others) engaged in the sale of weapons to Iran, a sworn enemy of the United States; in contravention of law, provided support to a rebel group guilty of war crimes; and committed perjury in their interactions with Congress. Like the Joint Chiefs of Staff, these officers lost sight of the moral end of military service. This, in turn, imposed a severe handicap on their capacity to reason about the ethical challenge that confronted them. As it was, their inability to bring practical reason to bear on

prioritizing their loyalties resulted in a form of ethical tunnel vision in which they were unable to comprehend the damage that their actions would ultimately inflict up on their country as well as to their own emotional well-being.[188] It is noteworthy that the egregious lack of practical reason demonstrated by the Iran-Contra conspirators was the catalyst for the development of the course in moral reasoning that is now a central feature of the Naval Academy's ethics curriculum.

Part of practical reason's value lies in its ability to mediate the pull of the different emotions that we experience. Despite the fact that a certain course of action may "feel" right because it is congruent with the emotional pull of a particular thick loyalty, an agent who possess practical reason should be able to discern the danger in such feelings and recognize that unreflectively honoring the loyalties that inspire them is not synonymous with ethical conduct. Practical reason is also instrumental in deciding when certain emotional dispositions, such as those that underpin the virtues of compassion and generosity, deserve to be prioritized in a particular situation. In light of the examples discussed above, establishing a moral end to guide the practice of obedience and loyalty is of central importance if soldiers are to understand the place of these two traits in a broader framework of ethical behavior. At the same time, while a clearly articulated moral end is important, it is impotent without practical reason, which allows soldiers to map an ethical course to the achievement of this end.

Acting as virtue requires usually involves the integrated expression of multiple virtues and the quasi-virtues operate in much the same way. As we have seen, loyalty and obedience are deeply intertwined. What remains to be discussed is the third quasi-virtue, respect, and how,

---

[188] Timberg, 428. Robert McFarlane became so despondent over his role the Iran-Contra affair that he attempted suicide.

with the guidance of practical reason, it can moderate the more unfortunate aspects of loyalty and obedience.

3.5 Respect

Respect has been described as an appreciation of the value of a person or thing, accompanied by an appropriate affect, and expressed in appropriate behavior.[189] While respect can be felt for inanimate objects or abstract concepts, respect is more commonly rendered to persons, both individually and collectively. Like loyalty, respect manifests itself in different ways. There is the filial respect that we reserve for our parents and the fraternal respect that we display towards friends and the professional respect we pay to colleagues. Also, we can, and should, have self-respect. Indeed, it is difficult to have a healthy respect for others if we lack respect for ourselves, as persons.

The forms of respect described above are examples of generic respect, based upon membership in a species or a group, an official position held or a familial relationship. Generic respect is independent of other qualities and talents that individuals might possess and cannot be relinquished or forfeited. Generic respect places certain moral constraints upon our behavior, such as observing certain basic rights and considerations in the way we treat others, based on their status as fellow humans.[190]

The second form of respect is not automatically bestowed based on membership in a group or on an official position, but on the observation of certain qualities or talents an individual may possess. Unlike generic respect, this second form is particular and, thus, applied unequally; we do not all posses qualities and talents in equal degrees; therefore, we do not all deserve the same

---

[189] Paul Woodruff, "Respect" *The International Encyclopedia of Ethics*, published online February 01, 2013.
[190] Ibid.

measure of particular respect. Particular respect is earned and can be lost if we no longer exhibit the qualities that led others initially to accord us this respect.[191]

Both particular and generic respect are integral to the practice of military ethics. While a military commander deserves generic respect in virtue of his position, as well as his status as a human being, ideally he should possess the professional and moral qualities that kindle feelings of particular respect among his subordinates. However, it is the absence of generic respect that is the source of a great deal of the unethical behavior soldiers commit and that will be the primary focus of the following discussion.

Though ethical behavior would be impossible without it, respect should not be mistaken for a moral virtue. Respect, like loyalty and obedience, can serve ends that are anything but moral and can be expressed for people independent of their moral qualities. If we lack a moral end to guide us, we can easily develop respect for the wrong people and things to the point that it eclipses our moral sense. For this reason, I classify respect as a quasi-virtue. The fundamental nature of respect is not changed even when it is displayed towards the wrong people and things. For instance, the respect that a mafia "soldier" renders to an underworld boss still qualifies as respect, as it reflects an appreciation for a thing or a person who possesses qualities that an agent values, even when it is contrary to ethical sense. By contrast, an act that might normally qualify as courageous, if done in the service of an immoral end, no longer qualifies as courage.

Nonetheless, compared with loyalty and obedience, respect does not seem to be plagued by the same ethical problems that often accompany the practice of obedience and loyalty. For instance, displaying respect for one person need not prohibit us from showing respect for

---

[191] Ibid.

someone else. Nor does respect require the periodic suspension of reason that is commonly occurs with the practice of both obedience and loyalty. Although errors in judgment can lead us to develop respect for the wrong people or things, respect is still a product of reasons, not the suspension of it. If we question someone closely as to why they hold a particularly unethical person in high regard, they are usually able to offer reasons, though these reasons will obviously not be ethical reasons nor necessarily well thought out.

Respect that is the product of sound moral reason is an indispensable requirement for harmonious social interaction. A society composed of individuals who do not bear at least a modicum of respect for one another is doomed to suffer dysfunction and can easily devolve into chaos. For instance, absence of respect contributed to the genocidal campaigns carried out against ethic minorities in both Bosnia and Rwanda. By contrast, the steps that the city-state of Singapore has taken to promote the development of respect between its Malay, Indian and Chinese sub-communities is partly responsible for the relatively harmonious state of ethic relations in Singapore, at least as compared with other multi-ethnic cities.[192]

The American military is a form of society in its own right and the contribution of respect to the efficient operation of a military unit cannot be underestimated. One characteristic that every successful military unit shares, whether it is a platoon or a warship, is the sense of respect its enlisted personnel possess for the noncommissioned and commissioned officers in the chain of command, a respect that is visibly reciprocated by the commanding officer down to the most junior soldier. Military commands that emphasize respect experience far fewer disciplinary

---

[192] Singapore's government has gone to great lengths to reduce ethnic enclaves, going so far as to mandate that floors in apartment buildings must have a mixture of Indian, Malay and Chinese residents so as foster the development of inter-ethnic respect and prevent inherent human tendency to self-segregate and create ethnic ghettos. This is not to say that this approach has completely alleviated all ethnic tensions or that the government's own policies haven't inadvertently contributed to marginalizing certain ethnic groups' ability to attain representation in the political process.

problems and possess higher morale than those in which respect is lacking. In fact, one of the primary characteristics of the Americal division, the U.S. Army unit responsible for the My Lai massacre, was the lack of mutual respect between enlisted soldiers and their officers.[193]

While respect is a prominent feature of the most effective military units, it often does not extend to those outside of the organization. For instance, a lack of respect is particularly evident towards the citizens of some of the countries in which American troops have been deployed. As noted in Chapter One, a survey of American marines and soldiers serving in Iraq recorded that less than half accorded Iraqis the generic respect they are due as fellow human beings.[194] The absence of generic respect, among other vices, contributed to the murder of twenty-four Iraqi civilians at Haditha and the torture of prisoners at Abu Ghraib.

While loyalty can promote an exclusionary view of others as somehow unworthy of basic moral considerations, the essence of respect is its inclusivity. Respect is about appreciating the moral worth of 'insiders' and 'outsiders' alike and setting boundaries in terms of the behavior that can and cannot be exhibited towards them.[195] This stands in stark contrast to loyalty, which is often more exclusionary than inclusionary. However, what is often overlooked is the importance of self-respect, a virtue that John Rawls defines as "a person's sense of his own value, his secure conviction that his conception of his good, his plan of life is worth carrying out" and which Rawls maintains as "perhaps the most important primary good."[196] Without respect for the judgments of one's own deliberations, moral autonomy is not possible, and without autonomy, morality itself is jeopardized. Without a healthy sense of self-respect, we

---

[193] Rielly, Robert, "The Inclination for War Crimes" *Military Review* May-June 2009, 23.
[194] Thomas E. Ricks and Ann Scott Tyson, "Troops at Odds with Ethics Standards," *The Washington Post* [online] May 5, 2007. Last accessed, January 28, 2014. http://www.washingtonpost.com/wp-dyn/content/article/2007/05/04/AR2007050402151.html

[195] Olsthoorn, 112.
[196] John Rawls, *A Theory of Justice* (Cambridge: Belknap Press, 1971), 440.

can easily be bullied and coerced into immoral behavior. Conversely, an exaggerated pride in our own accomplishments, or *hubris,* is very different from self-respect and it can lead us to show disrespect towards those whom we feel are not similarly gifted or whom we see as inferior in some way.

Sadly, respect, for self and for others, is often casualty of military training, particularly the hazing that has traditionally formed an integral part of the military's indoctrination process. While less common now than in the past, hazing is still a significant problem within the military, not only during recruit training, but throughout a soldier's military career. For instance, at one time certain career milestones were routinely marked by ceremonies in which degradation and humiliation of the initiates was the standard practice. While generally viewed as harmless, even when hazing starts out as good-natured harassment, it can easily escalate, resulting in permanent physical disability or death.

While not as readily apparent as physical injury, the psychological trauma of this type of maltreatment is perhaps more worrisome. As W.H. Auden observed, "Those to whom evil is done, do evil in return," and the humiliation and resultant loss of self-respect that come about from severe hazing are often the source of a great deal of immoral behavior. For instance, the malign consequences of hazing are often manifested in the behavior of training cadres, who themselves have been subject to humiliation through harsh indoctrination techniques and who resort to the same degrading practices that were administered to them, perpetuating the cycle of abuse. The respect they feel for those they are responsible for training is often diminished by the perception that the recruits' value as human beings is negligible prior to passing the initiation meant to mark them as fully invested members of the group. Military training that either

incidentally or purposively denigrates soldiers motivates immoral behavior in rough proportion to the severity of the denigration and humiliation.

The training methods employed by the Imperial Japanese Army illustrate the moral consequences of excessively harsh military indoctrination that deemphasizes the importance of respect, both for the soldier himself and for others. These methods, which were physically and psychologically brutal, also honed the traits of obedience and loyalty to such an unnatural degree that they impeded moral reasoning. The moral violations that typically accompany this type of indoctrination were correspondingly severe, as evidenced by a series of almost unimaginable moral atrocities committed by Japanese troops throughout eastern Asia from the early 1930s until Japan's surrender in August of 1945.

The life of a Japanese military recruit was characterized by an unending series of harassments. It was not uncommon for a recruit to be ordered to stand at attention for an entire day without being allowed to move or relieve himself. When he finally collapsed from agony, his training sergeant would beat him savagely. Though difficult to imagine, life for the recruit actually worsened in the evenings, when senior soldiers were free to torment the recruits without interference from their noncommissioned officers.[197] Recruits were routinely subjected to a steady stream of senseless verbal and physical abuse that not only destroyed any spirit of individualism but also caused a deep sense of humiliation. Once the recruit advanced to a position of authority, he sought to regain his self-respect through the abuse of the recruits that came under his control as well as of the hapless prisoners of war and civilians he encountered in the countries he occupied. The humiliation of Japanese soldiers, and the consequent diminution of their self-respect, exacerbated the negative features of obedience and loyalty, rendering the

---

[197] Edward J. Drea. *In The Service of the Emperor* (Lincoln: University of Nebraska Press,1998) 75-90.

soldiers particularly susceptible to committing the moral atrocities that were characteristic of the Japanese army throughout East Asia and the Pacific archipelago.

Not all abuse is a product of the humiliation of the perpetrator nor does experiencing humiliation always dispose an individual to commit immoral acts; however, the available evidence points to humiliation as a powerful contributing factor. For instance, research by Susan Stern and others provides a convincing argument that feelings of humiliation, whether actual or merely perceived, and the resultant loss of respect, is the most commonly correlated motivation for terrorism.[198] Furthermore, it is difficult to dismiss the commonsense notion that we tend not to maltreat those whom we respect.

3.5.1 Promoting Respect within the Armed Forces

As with loyalty and obedience, without a moral end to guide its practice, respect is susceptible to being misdirected. Considering this, it is important that soldiers come to an appreciation for how respect contributes to the ethical purpose of the military profession that was articulated earlier in this chapter, the defense of the nation in accordance with the values set forth in the Constitution, consistently emphasize the importance of respect for the rights that are due to all human beings. For instance, the articles contained in the Bill of Rights are infused with the respect the government owes individual citizens by honoring their freedoms of speech and assembly, freedom from unwarranted search, among many others. Ensuring that soldiers are familiar with the values and principles they have sworn to defend, with their lives if necessary, would be a small step towards building an appreciation for the role respect plays in achieving the ends of military service. Other founding documents, such as the Declaration of Independence, while not carrying the force of law, also contribute to establishing the importance of generic

---

[198] Susan Stern, *Terror in the Name of God: Why Religious Militants Kill* (New York: HarperCollins, 2003), 30.

respect that is owed across racial, religious and cultural lines, emphasizing that "all men are created equal." Soldiers are probably more familiar with the Preamble of the Declaration of Independence than they are with the provisions contained in the Constitution, insofar as they are familiar with either document.

Of course, this is all somewhat abstract and a bit difficult for the average soldier to come to grips with. It is one thing to articulate the importance of respect through the exegesis of a 225 year-old legal document, and another to promote the observance of respect such that it takes root in soldiers' psyches and actually influences their moral behavior. One way in which this can be done is through the example set by moral exemplars. The importance of moral exemplars in shaping character was addressed in Chapter Two and will be revisited again in Chapter Five. For the time being, it is sufficient to say that nothing communicates the importance of generic respect to achieving the ethical ends of the military profession more effectively than seeing it demonstrated by military leaders, both towards the troops under their command, as well as the enemy, combatant and noncombatant alike.

However, if respect is going to contribute to ethical behavior, it needs to be guided by practical reason, which, in turn, means that soldiers need to acquire experience in demonstrating it. Demonstrating respect is especially important given the counterinsurgency operations the U.S. military has found itself embroiled in over the last several decades, in which soldiers have found themselves working closely with indigenous populations. This is particularly true for Special Forces soldiers, whose primary mission is to live amongst local populations and train them in counterinsurgency warfare. Soldiers selected for Special Forces training are rigorously screened and highly trained and educated. In fact, a critical part of their selection process requires applicants to pass a three-week, scenario-based field exercise in which they must

cooperate closely with an "indigenous" population portrayed by role players, during which they are graded on how well they are able to establish a working rapport with the indigenous force. After passing this selection, the soldiers are required to develop advanced foreign language skills and spend much of their careers living amongst the indigenous people with whom they will be interacting, studying their language and culture, all of which facilitate feelings of empathy and respect that are often exceptionally strong. As a result, these soldiers tend to be adept at harmonizing the skills and attitudes needed for combat with the empathy and respect needed to work and live among people whose customs and beliefs are very different from their own.

Empirical data validating the success of this approach are hard to come by; however, anecdotal accounts indicate that it yields dividends on the battlefield. As one military author with extensive combat experience notes:

> Counterinsurgency training and cross-cultural training are perhaps not ethics or value training per se, but this kind of scenario-based instruction and interactive role-playing leads to a consideration and an awareness of right and wrong action on the battlefield and methods for dealing effectively with the locals in the insurgent battlespace. This scenario-based training puts a premium on understanding and respecting local customs and values, while at the same time taking no action that would compromise our own values. Army Special Forces may not have more allotted time under the heading of "values training" in their curricula than other SOF components, but I have found that the Green Berets are more disposed, from a training perspective, to do the right thing on the insurgent battlefield than any of our deployed ground-combat units.[199]

Given the anecdotal accounts of its success, efforts have been made to incorporate many elements of this training into the pre-deployment training of average soldiers. Simulated training scenarios have been developed in which some deploying units are confronted with native Iraqi and Afghani role players with whom they must negotiate their way to the peaceful resolution of a crisis. The troops are exposed, in as realistic a manner as possible, to the stresses that arise when interacting with members of a foreign culture, particularly under combat conditions. This training is supplemented by instruction in the tenets of Islam and Arabic

---

[199] Dick Couch, *A Tactical Ethic: Moral Conduct in the Insurgent Battle Space* (Annapolis: Naval Institute Press, 2010), 51.

language and culture, with native Iraqis and Afghanis brought in as guest speakers. This educational approach is meant to enable soldiers to view situations from the perspective of non-combattants they are likely to be interacting with, which, in turn, can generate empathy for them. If soldiers are able to empathize with the noncombatants they encounter, they can develop a sense of respect that can counter the moral blindness that is often generated by obedience and loyalty.

To date, this training has received positive reviews from those who have participated in it and it is likely that the respect that these soldiers hold for the citizens of the countries to which they are being deployed has increased as a result. The author has been through an abbreviated version of this training and can attest to the perspective-altering character of the experience. It is not unreasonable to hope that other approaches for developing respect and empathy can be devised that would yield improvements in other areas of military ethics that are also in desperate need of attention, such as sexual assault.

When guided by practical reason, soldiers can exercise discernment regarding which persons are worthy of particular respect, as well as promote generic respect by enabling them to see past superficial differences to what we, as humans, share in common. In turn, generic respect can serve as an antidote to the exclusivity that accompanies loyalty and the moral blindness that is often a byproduct of obedience. A well-developed sense of respect for the rights of others can enable soldiers to understand that those they perceive as being outside their customary circles of loyalty, such as enemy noncombatants, are as deserving of ethical consideration as their comrades-in-arms. Respect, for themselves and for others, bolsters soldiers' ethical behavior and illuminates why orders meant to humiliate and denigrate a fellow human being, degrade the self-respect of the perpetrator, as well.

3.6 Summary

Obedience and loyalty are essential character traits, not only for soldiers, but also for those who work in other professions upon which the welfare of society depends. Beyond their professional function, obedience and loyalty also contribute in meaningful ways to our personal well-being. However, these two traits clearly present ethical challenges as well. One of the challenges is the unreflective way in which obedience and loyalty are perceived by soldiers, who often tend to view them as "military" virtues rather than what they actually are, quasi-virtues that are only conditionally good. Yet another challenge is the emotional pull that loyalty exerts on soldiers, clouding their moral reasoning and causing them to prioritize personal loyalties when more abstract loyalties are more deserving of consideration. The third trait discussed, respect, while far less likely to generate the type of ethical problems that tend to plague the practice of obedience and loyalty, is also a quasi-virtue inasmuch as it can be directed towards immoral ends.

Moderating the worst abuses of these traits depends on conveying a moral end that guides their practice as well as fostering the development of the practical wisdom needed to resolve the ethical conflicts that often invariably accompany them. For American soldiers, this means understanding the ethical end that the American armed forces serve, as embodied in the Constitution, as well as a more general understanding of the moral virtues and how they contribute to well-being. Unfortunately, it is one thing to articulate the moral end of military service, and quite another to persuade soldiers to internalize that end such that it influences their ethical behavior. How this can be accomplished will be the focus of the following chapter.

Chapter Four:

Virtue Theory and The American Professional Military Ethic

4.1 Introduction

Up to this point, I have advocated a virtue centric approach to military ethics, arguing that the development of virtue and character are fundamental requirements for soldiers. However, for all of its benefits, virtue ethics is vulnerable to the criticism that it provides little in the way of tangible guidance other than that one should act as the virtuous person would act. If the agent has benefited from an ethically informed upbringing and has had recourse to the example and guidance of trusted moral exemplars, then she is in as good a position as any to determine the morally sound course of action in most circumstances. However, we often encounter situations that challenge our experience and reason. This is particularly true of soldiers, who are often cut off from sources of guidance while simultaneously confronted with unique ethical challenges for which nothing in their prior experience has adequately prepared them. In these situations, a code of ethics can be an important resource for supporting moral deliberation, particularly in the practice of a profession.

Given that I have spent the previous three chapters extolling the importance of practical reason and moral autonomy, the fact that I am emphasizing the contribution of a professional code of ethics may seem to be a radical departure from course. For instance, it may seem questionable whether a formal code of ethics can be reconciled with a theory of virtue that views ethical decision-making as a matter of practical wisdom applied to particular cases, a process that requires considerable cognitive flexibility. From this perspective, reliance on a professional code of ethics could be interpreted as an unnecessary constraint on a moral agent's capacity to act in what she views as the best ethical manner based on the circumstances. While these are

understandable concerns, I argue that virtue theory and professional codes of ethics are not only compatible, but the employment of a professional code of ethics is supported on virtue theory's own terms.

As noted previously, becoming proficient in the practice of the virtues is similar in many respects to developing skill at a craft. Most crafts have established 'rules of thumb' that are meant to guide their practice. These rules are particularly important to those who are just beginning the practice of a craft and lack the experience needed to guide their judgment and the same can be said for those who are novices in the practice of virtue. As Nancy Sherman observes:

> Aristotelian practical wisdom gives us some insight into how to use moral rules. Aristotle, contrary to many interpretations of Aristotelian ethics, does not outright reject the role of rules in moral education. True, he does not think mature virtue is a matter of applying rules. Rather, it is a matter of specifying ends in highly variable circumstances through attention to the details of the case. Still in the early stages of learning virtue, one typically begins with summary rules, or what he calls, 'for the most part' rules,' that is, generalizations about what typically count as the specifications of particular virtues.[200]

Aristotle recognizes that youth are often hampered in the practice of the virtues because they lack the practical experience that competent ethical deliberation requires.[201] Before novices develop mature ethical judgment, they need a framework of rules to guide their ethical reasoning. Professional codes of ethics can be viewed in a similar vein. For example, medicine and law place their practitioners, especially those new to the professions, in unique ethical situations that are often completely outside the bounds of their experience. In such instances, a code can provide invaluable guidance. Even those who enter a profession at a more mature age tend to be inexperienced in dealing with the unique ethical challenges of their new profession. In such instances, a professional code of ethics can help correct this deficiency as it often represents the

---

[200] Nancy Sherman, "Character Development and Aristotelian Virtue" in *Virtue Ethics and Moral Education,* ed. David Carr and Jan Steudal (London: Routledge, 1999), 39.
[201] Aristotle, *The Nicomachean Ethics,* I.4 1095a1-5.

distilled ethical experience of generations of practitioners upon which the novice professional can draw.

Along with the points noted above, a professional code of ethics is indispensable to the military in several other ways. First, as with any organization, the military needs to articulate a unifying theme based on a mission or a need that the institution was established to meet. While the military's mission of national defense is self-evident, the means by which it accomplishes this mission is not. A professional code of ethics establishes the boundaries and limits that must be observed in pursuing that goal, serving as a common standard of behavior to which its members can hold themselves, as well as one another, accountable.

Those embarking upon military service are usually required to make a significant reorientation of their personal values and ethical standards. The military draws recruits from a variety of backgrounds with their own sets of values that are sometimes widely divergent from those of the military institution. Codes of ethical conduct articulate the values and character traits that are required by the armed forces and explain how they contribute to ethical military service, helping educate recruits regarding the ethical standard to which they will be held accountable.

The importance of practical reason in ethical decision-making has been emphasized throughout this discussion; however, the fact remains that the fog of war significantly degrades the capacity of soldiers to think clearly. Fear, malnutrition, fatigue, as well as the involuntary neurological responses triggered by combat, all contribute to this mental degradation. For example, in spearheading the American drive to Baghdad in March of 2003, the members of the Marine First Reconnaissance Battalion routinely operated for up to four days with virtually no

sleep.[202] The net result was a battalion of armed men, most in their late teens and early twenties, tasked with distinguishing Iraqi civilians from irregular combatants, all the while struggling against the crippling effects of sleep deprivation that degraded their cognitive abilities to the level of legal intoxication. It is in just such circumstances that a clearly articulated code of ethical conduct is at its most valuable, to help guide soldiers when their practical reasoning skills are at their weakest.

The military's ethical code is designed not only to protect noncombatants from abuse by soldiers, but also shields soldiers from psychological injury.[203] War requires soldiers to commit acts that violate societies' most sacred moral norms and, as Jonathan Shay observes, the most severe cases of combat-induced psychological trauma are not just a result of violent experiences but of transgressions of what the soldier perceives as right behavior.[204] In light of this, soldiers require some clearly articulated standard that distinguishes what they do from the deeds of murderers and other criminal elements.[205] An ethical code that reflects the standards of their fellow citizens (as well as those of the international community) imbues soldiers with the sense that they represent an honorable profession, which can assuage the psychological trauma they experience when taking another life. As Shannon French notes, the ethical code serves as a form of "moral and psychological armor that protects the warrior from becoming a monster in his or her own eyes."[206]

---

[202] Evan Wright, *Generation Kill: Devil Dogs, Iceman, Captain America and the New Face of American War* (New York: Berkley Publishing Group, 2004), 101.
[203] Shannon E. French, *The Code of the Warrior: Exploring Warrior Values Past and Present* (Oxford:Rowman & Littlefield, 2003), 4.
[204] Jonathan Shay, *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (New York: Schribner, 2003), xiii.
[205] French, 10.
[206] Ibid.

Jonathan Shay's research illustrates a key Aristotelian concept, the relationship between ethical conduct and well-being. In addition to its effect on his victims, a soldier's egregious violation of the military's ethical code often results in psychological damage that resonates within the soldier's psyche, as well as within society, long after his role as a soldier has ended. The key to preventing this type of harm, both to soldiers and the society they serve, lies not only in articulating a moral end to military service, but in persuading soldiers to become personally invested in the attainment of that moral end, such that it guides their moral behavior. As will be shown later, the establishment of a professional code of military ethics facilitates the internalization of the moral ends of the military profession by establishing a connection between a soldier's professional and personal identity and his observance of the code's tenets.

Obviously, no ethical code is perfect and a professional has to guard against dogmatic adherence to them. As Anthony Hartle observes, "Although a professional code should help resolve certain kinds of moral conflicts generated by the professional activity, the provisions of the professional code and individual understanding of the code will sometimes be inadequate."[207] As with any code designed to guide behavior, the military's code of ethics is susceptible to being misunderstood by its practitioners as well as subverted by informal influences. An example of the former, discussed in Chapter Three, was the Joint Chiefs' misinterpretation of the scope of obedience they owed to civil authority, viewing it as extending to operational and tactical war-fighting decisions. Another misconception is the belief, held by some soldiers, that following the tenets of the code absolves them of any responsibility to reason their way to their own ethical conclusions or to express moral autonomy in situations that the code either does not cover, or in which it is clearly in error.

---

[207] Anthony Hartle, *Moral Issues in Military Decision Making* (Lawrence: University of Kansas Press, 1989), 31.

Further complicating matters, there are two codes of behavior at work within the armed forces. The first is the formal, professional military ethic, founded on the values articulated in the U.S. Constitution and supplemented by the oath of service and other, formally disseminated instructions that outline the military's ethical rules and guidelines. The second, informal code operates outside the bounds of official guidance. Like the formal code of ethics, the informal code has numerous sources, some rooted in popular culture and others that are deeply ingrained in the military's operational culture. Rather than being promulgated through official guidance, this code is communicated by example and word of mouth. The idea that loyalty to one's comrades should take precedence over ethical considerations, and the maxim, "If you're not cheating, you're not trying," are just a few examples of the type of unethical behavior that the informal code facilitates.

The formal and informal codes are in constant tension and many of the ethical problems that arise within the context of military service represent instances in which the malign influence of the informal code has triumphed. In spite of this, the intent of this chapter is to argue for the utility of the professional military ethic in guiding moral behavior. However, whether the professional ethic does, in fact, contribute to ethical military service depends on attenuating the worst influences of the informal influences that have such a deleterious affect on soldiers' ethical conduct. This, in turn, requires a renewed emphasis on the elements of Aristotelian virtue theory that were the subject of discussion in Chapter Two. In particular, if the formal code is to adequately guide soldiers' ethical behavior, it is necessary for soldiers to internalize the goals and ends of military service and view them as integral to their own well-being.

4.2 Military Codes of Ethics

Historically, codes of ethical conduct have been employed to establish the boundaries of acceptable behavior among soldiers, although we would not consider some of these codes to be especially moral by modern standards. For the most part, these codes emphasized the traditional "martial virtues" of physical courage, obedience, and loyalty to one's comrades; humane treatment of the enemy was seldom a consideration. The codes of diverse warrior societies such as the European Crusaders, Scandinavian Vikings and the Native American warriors of the Great Plains were remarkably similar in this regard. Among the Plains tribes, the torture of prisoners was an accepted practice. For the Crusaders and Vikings, the sacking of a city or monastery was a reward for the risks of battle and the hardships suffered at sea and during the campaign.

Over time, some of these codes evolved to the extent that ethical treatment of the enemy took on added importance, a point to which the literature of the period often attests. Shannon French notes that the chivalric code of the English feudal knight, described in Sir Thomas Malory's *Morte D'Arthur*, portrays a military caste whose martial code of conduct was an extension of the formal courtesies that the European nobility observed towards one another.[208] For instance, if a knight was unhorsed, the ethical course of action for his opponent was to refrain from taking advantage of this asymmetry and dismount to continue the battle on foot, an act the modern soldier would view with incredulity. In modern warfare, great pains are taken to establish tactical and operational superiority; a fair fight is the last thing a soldier wants. However, this medieval code also contained much that would be familiar to the modern soldier. For instance, the enjoinder "by no mean to be cruel, but to give mercy unto him that asketh

---

[208] Ibid., 119.

mercy," is very much in accord with the modern rules governing land warfare.[209] Despite the fact that modern armies are loath to concede a tactical advantage, the modern law of armed conflict does categorize certain weapons as inhumane and prohibit their use. So, in some respects, this chivalric code is the precursor to the professional code of ethics that governs the modern military institutions of most Western democracies.

Modern codes of ethics are partly composed of rules designed to guide the conduct of those for whom the code is meant to apply. In most cases these rules are meant to address situations that are not typically encountered by the average citizen and, therefore, are not addressed by existing laws. For the American military, these rules are drawn from a variety of sources, which lends the military's code of ethics a diffuse quality; there is not just one document that spells out all of the code's tenets nor all the responsibilities and duties that adherence to the code entails. The bedrock of the ethical code of the American armed forces is the U.S. Constitution, which all members of the armed forces swear an oath to uphold and defend from foreign and domestic enemies. International treaties to which the United States is a signatory also contribute to the American military's code of ethics. An example of such an agreement is the Geneva Convention, which governs the treatment of enemy prisoners and noncombatants, forbidding the practice of torture among other moral outrages. Other international treaties regulate the conduct of land and sea warfare. In accordance with the Constitution, international treaties to which the United States is a party carry the force of constitutional law and merit the same level of respect.

In addition to the laws of civil society, military personnel are held accountable to a special legal standard, the Uniform Code of Military Justice (UCMJ). Many of the laws contained in

---

[209] Ibid.,127.

the UCMJ are essentially the same as those that compose the civilian criminal code; however, there are other provisions that exceed the demands of civilian law. For instance, some articles contained in the UCMJ are specifically designed to be open-ended, allowing commanders the latitude to bring charges against soldiers whose conduct, while not specifically forbidden, brings shame and discredit upon the armed forces. For officers, Article 133 addresses "conduct unbecoming of an officer and a gentleman."[210] The types of behavior that can be prosecuted under this provision include failure, without good cause, to support one's family, directing defamatory language at another officer, opening and reading a letter of another without authority and public association with known prostitutes. The penalties for such behavior range from dismissal from the military service to confinement for one year in cases that are not covered by other articles. The behavior of enlisted soldiers is governed under a separate, but equally open-ended, Article 134 that forbids "conduct prejudicial to good order and discipline." [211]

The legal component of the military code of ethics sets a minimum standard of behavior for military personnel; however, other components of the professional code are designed to inspire soldiers to not just meet but exceed these minimum standards, an aspirational goal that is very much in keeping with the Aristotelian pursuit of moral excellence. This is generally done through articulating the importance of specific values and positive character traits, such as courage and integrity, to realizing the military's mission. An example of such guidance is the Code of the U.S. Fighting Force, commonly abbreviated as the Code of Conduct, a creed developed after the Korean War, during which many American servicemen dishonored

---

[210] Official UCMJ website. Last accessed March 29, 2014. http://www.ucmj.us/
[211] Ibid.

themselves as prisoners of war.[212] A study conducted after the war concluded that American prisoners were ethically ill-equipped for the rigors of captivity, in part because they were not aware of the standard of behavior that was expected of them. To remedy this deficiency, the Code of Conduct articulates six basic articles that are meant to guide soldiers' conduct, both on the battlefield and in the event they are taken prisoner. [213] Not long after its development and implementation, the Code of Conduct was tested in Vietnam where it yielded tangible benefits. American personnel held in North Vietnamese prison camps testified upon their release from captivity that the Code of Conduct was an invaluable aid in their efforts to conduct themselves ethically and resist subversion by the North Vietnamese interrogators.[214]

In addition to the Code of the U.S. Fighting Force, which applies across all branches of the armed forces, each service has developed its own ethical guidance that promotes the following values and character traits as critical to achieving its mission:[215]

Army: loyalty, duty, respect, selfless service, honor, integrity and personal courage.

Navy: honor, courage, commitment

Marine Corps: honor, courage, commitment

Air Force: integrity first, service before self and "excellence in all we do"

It is of interest that, despite having the same essential mission, national defense, three of the four services emphasize different values and character traits required to meet that mission. For instance, the quintessential military virtue of courage is prominently featured as a critical value by the Army, Navy and Marine Corps, whereas courage does not appear on the Air Force list.

---

[212] Jennifer Hoover, "Keeping the Faith: American Prisoners of War in Korea, Vietnam, and the Evolution of the Code of Conduct" (PhD. Diss., Texas Tech University, 2009), 21.
[213] National Archives website. Last accessed June 02, 2014. http://www.archives.gov/federal-register/codification/executive-order/10631.html
[214] Hoover, 80.
[215] Drawn from each services website on leadership and ethics.

Loyalty is claimed as a value by the Army but by none of the other services, and the trait of obedience, considered a universal requirement for military service, does not appear on any of the services lists of core values at all.

This mildly divergent approach is a product of the way in which each service interprets what it sees as foundational or "core" values that, in turn, encompass of a range of subordinate values and character traits. For instance, according to Air Force's ethical doctrine, in order to possess integrity, the possession of the following traits are essential: courage, honesty, responsibility, accountability, justice, openness, self-respect and humility. The value of "service before self" subsumes the values of duty, respect and temperance. The third core value, "excellence in all we do" underscores the importance of excellence in personal behavior and professional performance of one's duties. The other services take a similar approach, laying out what they view as a few key values that tie together an extensive list of subordinate values and character traits that, while not necessarily virtues in the Aristotelian sense, are militarily and morally advantageous if exercised in accordance with practical wisdom.

Whether the values and virtues described above can be neatly parsed and compartmentalized as described above will not form a part of this discussion. However, the military's ethical code does touch on most of the values and positive character traits that are integral to military service, many of which also play a prominent role in the Aristotle's virtue theory. While the military code of ethics does not go so far as to endorse the Aristotelian theory of the unity of the virtues, it does view the practice of virtue as highly integrated and reflects an essential component of Aristotelian virtue ethics.

4.3 The Officer Corps and the Professional Military Ethic

I have often referred to the military's ethical code as a "professional" military ethic without precisely defining what qualifies it as professional nor whether this professional ethic applies equally to all members of the armed forces. In a sense, all American soldiers qualify as professionals as they are volunteers and are paid for their service. However, there is a distinction between the professional status of the officer corps and that of the enlisted ranks that rests on the greater responsibility that officers assume by virtue of the commission they receive from the President of the United States. Initially, this may appear to be a minor distinction upon which not much of ethical importance depends. However, the officer corps' view of itself as a professional body with special ethical responsibilities is of central importance to the nation's security.

The professional ethic that governs the conduct of the American officer corps is generally the same as that which applies more broadly to enlisted members of the armed forces. The essential difference is the degree of professional responsibility officers assume, which requires a deeper understanding and appreciation of the foundational components of the ethic and how they pertain to ethical decision-making. Officers are not only charged with personifying the ethical values embedded in the code and enforcing its tenets, but are also responsible for ascertaining when circumstances recommend modifying the code. For instance, many officers recommended modifying the Code of Conduct to reflect their practical experience as prisoners of the North Vietnamese during the Vietnam War. The recommendation was made that Article III of the Code, which deals with escape attempts, be changed from "I will make every effort to escape." to read, "I will make every reasonable effort to escape." This change took into account the fact that, in many circumstances, escape attempts have no hope of succeeding and

are tantamount to suicide. Other changes were recommended that allowed the Code to better reflect the harsh reality of experience, without diluting the prisoners' responsibility to maintain their ethical integrity.[216]

Along with the privileges of commissioned rank, the oath of office places an implicit requirement upon an officer to exercise independent moral judgment, such as to refuse to obey unethical orders when such situations arise. American military officers are entrusted with the training and the resources that enable them to inflict destruction on an almost inconceivable scale. Considering the magnitude of the damage that just one unethical officer can inflict by issuing, or obeying, an unlawful order, it is essential that the members of the American officers corps, who bear the overall responsibility for administering this firepower, have a well developed professional ethic that shapes and guides the moral practice of their profession.

The term professional is employed in two different senses. As noted above, the first distinguishes those who perform an activity for pay from those that pursue it as a hobby. Generally, designating someone as professional indicates that she has attained a level of skill that the amateur practitioner lacks. In the second sense, professional is used to denote someone who performs an occupation that benefits society and that requires the mastery of a specialized body of theoretical knowledge acquired through higher education.[217] Medicine, law and engineering are all paradigmatic examples of occupations that align with this definition and it is this later sense of the word that will guide this discussion. However, the above definition is somewhat open-ended. If a physician is a professional, then what about the nurse, physical therapist and

---

[216] John S. McCain, "The Code of Conduct and the Vietnam War," April 8, 1974. Individual research project conducted at the National War College. Accessed online on February 5, 2014. http://www.paperlessarchives.com/FreeTitles/TheCodeofConductandtheVietnamWarbyJohnSMcCain.pdf

[217] Benjamin Overby, "Establishing and Grounding a Professional Military Ethic" (PhD. diss. University of North Carolina, Chapel Hill, 1996), 65.

lab technician who also contribute to the medical care of the patient? Should paralegals be considered professionals on an equal footing with attorneys?

The question of what distinguishes a profession from an occupation has been the subject of a great deal of academic interest. In his "Hallmarks of a Profession," John Marston identifies the following ten traits that are characteristic of a profession:

1. Encompasses a defined area of competence

2. Represents an organized body of knowledge of some consequence, imparted through a formal educational process.

3. Promotes a sense of group identity: practitioners of a profession recognize that they have a common bond that motivates them to organize themselves along professional lines.

4. Possesses competency requirements. Professional groups identify those who are not competent and discourages or prevents them from practicing the skills of the profession.

5. Establishes a requirement for continuing education throughout the professional's career.

6. Supports research in the professions defined area of competence.

7. Supports the education of competent replacements.

8. Possesses a degree of independence from external authority. Professionals refuse to temper professional opinions to suit client demands or to be moved by conflicting interests.

9. Serves an important social need beyond immediate personal gain and beyond the common obligations of citizenship.

10. Voluntarily accepts a code of professional ethics, a self-discipline above and beyond the equirements of law, which includes self-policing.[218]

---

[218] John Marston, "Hallmarks of a Profession," *MOS II Training Support Package: Ethics and Professionalism.* 2nd printing. Fort Benjamin Harrison, IN: The Military Professional Ethics Division Training Development Directorate, U.S. Army Soldier Support Center, August 1982.

No profession perfectly satisfies all ten of these requirements; however, the American officer corps satisfied all of them, at least to some degree. For example, military operations represent a well-defined area of competence that requires mastery of an organized body of knowledge, one that cannot be attained through self study or on-the-job training alone, but requires formal, higher education. The officer corps is also conscious of its special status in that its members recognize a common professional bond that transcends branch of service. Each career field within the military administers its own written and oral examinations designed to ensure the competence of its members. Additionally, officers are required to undergo formal education at specified intervals during their careers. In fact, each armed service supports its own institutions of higher education that conduct research into issues of specific interest to the military profession.

Military officers' code of ethics requires them to exert a degree of independence from external authority. For instance, a senior military officer owes civil authority his best military opinion, regardless of whether it conforms to the politician's views. Of all the professions, few have a stronger claim to satisfy a social need that transcends immediate personnel gain than the armed forces. Nor do many other professions incur obligations that exceed the common duties of citizenship in the way in which military service does. As was demonstrated earlier in this chapter, military officers voluntarily accept a code of professional conduct that imposes ethical standards that, in many instances, greatly exceed the demands of civil law.

Even though enlisted service satisfies many of the requirements central to a profession, enlisted soldiers are not typically viewed as professionals, at least not in the more restricted sense presently being discussed.[219] Soldiers enlist for a variety of reasons and most have no intention

---

[219] The same can be said for junior officers, particularly those who only serve long enough to fulfill the service requirement they have incurred for the cost of their educations. Most are not fully invested in the military profession nor are they fully qualified in their warfare specialty.

of making the military a career. Enlisted service also fails to satisfy some of the other key requirements mentioned above. Despite the fact that many enlisted soldiers earn bachelor's degrees, higher education is not a requirement for enlisted service. Another distinction that contributes to the difference in professional status between the officer corps and the enlisted ranks is that the military officer's specific professional expertise is in the management of violence, whereas the enlisted soldier more narrowly specializes in its application.[220] For the most part, enlisted soldiers do not plan their own missions, approve target lists or develop the rules of engagement meant to ensure that only legitimate targets are engaged and destroyed. Nor do they generally contribute to the drafting of war plans, all of which are vital professional responsibilities fulfilled exclusively by the officer corps.

Finally, variations in the wording of the officer's oath of office and the enlisted oath of service represent a crucial distinction between the professional status of the officer corps compared with the more technically oriented nature of enlisted service. In their oath of service, enlisted soldiers swear to obey the orders of the officers appointed over them, whereas the officers' oath of office requires them to execute their duties to the best of their ability. It would be disingenuous to infer from this that officers do not have a duty to obey the orders of their superiors; they clearly do. However, the fact that military officers take an oath of office implies that the office they hold carries a special responsibility to exercise independent judgment.

Along with guiding the professional in navigating the ethical intricacies of his profession, a code of professional ethics is meant to provide society a measure of protection against the abuse of the professional monopoly of a certain skill or service. The public awareness of this professional ethic informs citizens of the ethical behavior that they have a right to expect from

---

[220] Samuel Huntington, *The Soldier and the State*, 78.

the professionals that serve their interest. Those who abuse their professional knowledge and fail to live up to their ethical responsibilities can be censured and, if necessary, be removed from practice.

To protect both society and the professional practitioner, a professional ethic delineates the moral authority that underpins certain actions that are critical to the professional function, but that are, in general, morally out of bounds for the average member of the public.[221] For instance, attorneys are prohibited by their code of ethics from divulging information about their clients' activities that would be criminal for a private citizen to conceal. The military's professional ethic grants officers a similar degree of latitude within their sphere of their expertise. For instance, the premeditated killing of another human is morally aberrant under the moral framework of almost all cultures. However, it is permissible for a military officer, of the appropriate rank, to order the killing of a specific enemy officer, even within the perceived safety that officer's own camp.[222]

Considering this, if the profession is to make a meaningful contribution to the welfare of society, professionals must be granted a degree of latitude to transcend society's common values and ethical standards in specific instances. However, the functional demands of the profession must also be weighed against the values of society and reflect those values as closely as possible; otherwise, the benefit provided by the profession will be severely undermined. A military institution that does not reflect the ideals of the society it serves is a menace to neighboring countries and a threat to its own citizenry. Therefore, the professional ethic of the American

---

[221] Ibid., 26.

[222] In a case that is still controversial, Admiral Chester Nimitz ordered (with the concurrence of President Roosevelt) Admiral Isoroku Yamamoto's plane shot down while he was on an inspection tour of Japan's South Pacific naval bases. Nimitz was criticized by some for this decision, the accusation being that it was dishonorable and unfair to specifically target Yamamoto. However, Yamamoto was a lawful, uniformed combatant who was traveling with an escort of several Japanese fighter aircraft. It was estimated that the loss of Admiral Yamamoto was the equivalent of the loss of several aircraft carriers to the morale of the Japanese nation.

military should reflect the balance between the functional demands entailed by its combat mission and the values that underpin American society.

One of the documents that contributes to this balance is the U.S. Constitution, the preamble of which clearly articulates the purpose of the American armed forces:

> We, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.[223]

While the preamble unambiguously states that one of the primary purposes of the Constitution is to "provide for the common defense" of the American republic, the armed forces must go about achieving this without compromising the other purposes for which the Constitution was crafted. Preservation of the values of justice and liberty are integral components of the professional military ethic of a democratic state. While safety from external enemies is a precondition for the general welfare of society, without the safeguard of justice and liberty, society becomes an authoritarian prison in which soldiers become the guards.

The Constitution articulates another important tenet of the professional military ethic, which is the military's subordination to civil authority.[224] There are sound reasons for this subordination, one of the foremost being that those who drafted the Constitution had a justifiable worry that, without civilian control, the military could become a law unto itself and overthrow the elected government. However, George Clemenceau may have best captured the essential reasoning behind civilian control of the armed forces when he quipped, "War is too important to be left to the generals."[225] This is not to disparage the judgment of military officers; however, the decision whether to commit the country to war is essentially an extension of politics and is

---

[223] U.S. Constitution. Website accessed February 5, 2014. http://www.archives.gov/exhibits/charters/constitution_transcript.html

[224] Article One of the Constitution grants Congress the power to declare war and Article Two designates the President as Commander-in-Chief of the armed forces. There are a few reasons behind this subordination.

[225] John Hampden Jackson, *Clemenceau and the Third Republic* (New York: Collier, 1962), 228.

enormously consequential to the entire nation. Given the multitude of interests that are affected, democratically elected representatives must drive any decision regarding the use of armed force.

Supporting the Constitution's emphasis on the military's subordination to civil authority, the oath of office articulates officers' sworn duty to uphold this principle:

> I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation fully, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.[226]

Besides the values of justice and liberty, the oath emphasizes two other commitments that are integral to the professional military ethic. The first is allegiance, not to one's military superior or the person of the President, but to the Constitution and the values and principles that it expresses. The second commitment is to faithfully execute the duties that accompany a presidential commission, an official document that, in part, states:

> Know Ye that, reposing special trust and confidence in the patriotism, valor, fidelity and abilities....This Officer will therefore carefully and diligently discharge the duties of the office...and to observe and follow such orders and directive, from time to time, as may be given by me.[227]

While the commissioning letter doesn't entail an oath of allegiance to the President, it does require officers to obey the President's orders and further anchors civilian authority over the military.

What is immediately apparent about the commissioning letter is that its guidance is vague and imprecise. It lays out some general guidance about discharging the "duties of the office" and obeying the orders that the President may issue "from time to time," but it fails to describe in detail what these duties are. Since the duties referred to in the oath of office and the

---

[226] Officer's oath of office. Accessed February 5, 2014. http://www.law.cornell.edu/uscode/text/5/3331
[227] Officer's commissioning letter. Accessed February 5, 2014. http://www.usma.edu/parents/SiteAssets/SitePages/Resources/BarPinningSlide13.pdf

commissioning letter are left open-ended, an officer's commitment to the Constitution is particularly important, as it represents a firm point of reference and, along with the oath of office, forms the foundation of the officer's professional ethic.[228]

Unfortunately, the Constitution is also famously imprecise in places, as is evident by the amount of litigation that inevitably accompanies attempts to apply constitutional principles to specific cases. However, the Constitution was not designed as a step-by-step manual, but as a guiding document meant to inform the democratic practice of government with the flexibility to account for changing circumstances. Officers should adopt a similar perspective when thinking about the professional ethic's contribution to moral reasoning, especially when confronted with an ethical decision that the code, even in its more detailed aspects, does not appear to address. In such instances, officers should be guided by the spirit of the professional ethic's foundational documents, like the Constitution and their oath of office, and be reminded of the ethical values that underpin military service in a democratic republic.[229]

4.4 The Motivational Role of Honor in Ethical Codes

There is some significance to the fact that honor appears on the list of core values for three of the four armed services.[230] Considering this, honor, and its contribution to military ethics, merits some discussion.

Understanding the concept of honor and its influence on military ethics requires a corresponding understanding of the nature of respect. As discussed in Chapter Three, respect

---

[228] Hartle, 38.

[229] It is important to note that, while the professional military ethic places special responsibilities and duties upon officers, enlisted soldiers are bound by it as well. In particular, as enlisted soldiers advance in rank and assume more responsibility, the line between the two senses of professional described above begins to blur. In the American military, senior enlisted soldiers can be viewed as professionals in the same restrictive sense that I have applied to the officer corps.

[230] The Army, Navy and Marine Corps all list honor as one of their core values whereas the Air Force does not even mention it as a subordinate value.

comes in two forms. First, there is particular respect, based on certain traits or qualities that we admire in a person. In his discussion of honor codes, Kwame Appiah calls this "esteem respect," defined as "treating people in ways that gives appropriate weight to some fact about them."[231] An example of this form of respect is the public recognition that is rendered to scientists, musicians and others based on their achievements. The second form of respect Appiah describes is "positive recognition respect," the appreciation we show for others based on their membership in a group or an official position that they hold. This is analogous to the concept of generic respect that I described in the previous chapter, and is independent of our judgments of a particular person's accomplishments.

Esteem respect underpins the concept of "competitive honor," which is awarded in various increments depending on the accomplishments of the person being honored. For its part, generic respect aligns with the concept of "peer honor," which pertains to relations between equals. Unlike esteem honor, which one might say is earned from the ground up, peer honor is a binary proposition, one has it or one does not.[232] Generally, one is either born with peer honor, such as being born into a certain social class, or else acquires it through membership in a group. In both cases, we retain peer honor unless we fail to meet the standards upon which peer honor is based.

Both competitive honor and peer honor played important motivational roles in the martial codes of ancient warriors. The desire for competitive honor motivated many warriors to carry out extraordinary acts of heroism that were often beyond the call of duty. Achilles' behavior in *The Iliad* is a classic example of a warrior motivated by the desire for esteem honor. Conversely, peer honor tends to set the lower limits of acceptable battlefield conduct. Conduct

---

[231] Kwame Anthony Appiah, *The Honor Code* (New York: W.W. Norton & Co., 2010), 14.
[232] Ibid., 14.

that did not rise to meet this standard brought dishonor, not only among the warrior's comrades, but within the larger society as well. For instance, legend has it that when departing for war, Spartan men were admonished by their mothers and wives to return, "with your shield or on it." The shame resulting from an act of cowardice was a powerful influence that shaped the ethical behavior of ancient warriors.

The idea of honor as a motivational tool is incomplete without the concept of shame; just as honor relies on the external approval of others, shame gains its power over us in the same way. As Bernard Williams notes, "The basic experience connected with shame is that of being seen, inappropriately, by the wrong people, in the wrong condition."[233] As Williams goes on to observe, Hector was driven to meet Achilles on the battlefield, in part, by the fear that lesser men would speak ill of him, and that he would fail to live up to the baseline standard of military conduct.[234] Considering this, shame is more properly the opposite of peer honor than of honor in its competitive form; shame comes about not because our actions failed rise to some extraordinary, heroic level, but rather because we have failed to meet a more general standard of behavior that is expected of us.

The influence of honor and shame in shaping ethical behavior is exemplified by the practice of dueling. Dueling, at least as it was practiced in the West, can be traced back to the feudal practice of "judicial combat," the idea being that "God would accord victory to the knight whose cause was just."[235] Dueling was widely practiced by military officers, as well as men of a

---

[233] Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 1993), 78.
[234] Ibid., 79.
[235] Appiah, 27.

certain social class and education, commonly referred to as "gentlemen."[236] Duels were generally fought over matters of peer honor, resulting from an accusation, either real or imagined, that one had failed to live up the standard of behavior expected from one's social class. In such cases, a public apology was usually demanded and, if refused, a challenge to duel was issued. Failing to demand an apology, and refusal to issue or accept the challenge to duel if the apology was withheld, carried such a negative social stigma that, to many men, death was preferable. Over time, the concept of peer honor became so rarefied and sensitive that duels began to be fought over perceived slights that were exceptionally trivial, leading to an alarming number of deaths.[237]

There were a variety of causes that led to the demise of dueling; however, its end owed as much to public ridicule as to any other cause. An increase in the rate of literacy and the corresponding increase in the circulation of newspapers, as well as the dissemination of satirical cartoons, took what had once been a private practice of an elite subsection of society and exposed it to the scorn and ridicule of the general public. Additionally, as dueling began to be practiced by those outside the nobility, such as ordinary tradesmen and merchants, it began to be perceived as vulgar. As a result, gentlemen of the nobility became increasingly reluctant to engage in the practice, to the point that it ceased completely.

For the most part, the conception of honor that played such an important role in Spartan society, and which underpinned the dueling culture of the seventeenth and eighteenth centuries,

---

[236] At one time, the role of military officer also entailed consideration as a gentlemen. In fact, there is a specific article in the UCMJ, in which an officer can be brought of on charges for failing to conduct himself as "an officer and a gentleman."

[237] An instance of this is the duel between Alexander Hamilton, the former Secretary of the Treasury and Aaron Burr, who, at the time the due took place, was a sitting Vice President of the United States. Hamilton, an exceptionally able financier and public servant who authored a large portion of the Federalist Papers, was wounded in the duel and subsequently died.

is not as highly valued in modern Western society. For instance, while American parents display justifiable pride in their children's military service, it is difficult to imagine an American mother sending her child off to war in the manner of a Spartan woman, and anyone who challenges another to a duel to the death over a point of honor is likely to be treated with derision. However, despite prevailing modern skepticism, competitive honor and peer honor still thrive within the American armed forces, where they appear in a variety of contexts. America's highest military award for valor is the Congressional Medal of Honor and soldiers who receive this recognition are held up as role models for other soldiers to emulate.[238] Soldiers are keenly aware of the status and recognition awarded to combat veterans; the most coveted qualification in the U.S. Army is the Combat Infantryman's Badge. The concept of peer honor most notably arises when soldiers are discharged from the armed forces, at which time the quality of their military service is formally characterized as honorable, other than honorable, or dishonorable, depending on the degree to which their conduct has conformed to or diverged from the standards that define ethical military service. These are not just abstract determinations; they have a significant impact on soldiers' civilian employment prospects.

It is important to note that neither competitive nor peer honor is a virtue, at least not in the Aristotelian sense: both are too dependent upon the judgment of others. Furthermore, while competitive honor can be awarded in recognition of virtuous behavior, this need not be the case. And while one can lose peer honor through some unethical act, it can just as easily be lost through some social lapse whose relationship to ethics is tangential, at best. In this sense, honor

---

[238] It should be noted that interviews with soldiers who are recipients of the military's highest awards for heroism reveal that, for the most part, they are not motivated by thoughts of recognition but rather by loyalty and devotion to their comrades, as well as the mission at hand. Nonetheless, martial prowess is no less revered in today's military than it was in Homer's day, and there is an implicit competitive spirit that drives soldiers, particularly in elite military units. Everyone knows the most accomplished soldiers in the unit and they are respected accordingly.

shares much in common with the quasi-virtues discussed in the preceding chapter; it often masquerades as a virtue but, in reality, it is ethically neutral. In light of this, honor appears to be a fickle concept. However, the recognition aspect that is central to the concept of honor can be a powerful motivational tool if wedded to a code of conduct that is grounded in the virtues.[239]

4.4.1 Honor and Integrity

The U.S. military often conflates honor with the concept of integrity. Unlike honor, integrity is a distinct virtue in its own right, characterized by consistency in moral action and an adherence to a cohesive, rational network of moral values and beliefs that are not compromised for the sake of expediency.[240] Integrity is further differentiated from honor in that it is the mandates of one's conscience, rather than external praise or shame, that guide moral behavior. Whereas honor derives its power to influence based on norms and principles established by the group, integrity calls for the exercise of conscience and requires moral autonomy, the capacity to act according to reasons and motives that are taken as one's own and not purely the product of external forces.[241] The exercise of moral autonomy is often more challenging than acting in accordance with the perceived demands of honor. Soldiers who are keenly sensitive to appeals to honor, but who lack a strong sense of moral autonomy, can easily be manipulated into committing atrocities. Conversely, a soldier who refuses to serve in a war he deems unjust maintains his moral integrity at the cost of being branded dishonorable by his peers.

---

[239] During the remainder of this discussion, when honor is mentioned in connection with its ability to influence ethical conduct, it is peer honor that is being referenced.

[240] Olsthoorn, 94.

[241] John Christman, "Autonomy in Moral and Political Philosophy" *The Stanford Encyclopedia of Philosophy* (Spring 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2011/entries/autonomy-moral/>.

However, the demarcation between integrity and honor is not as distinct as it might initially appear. In order for the concept of honor to influence moral behavior, the codes of conduct through which honor is bestowed must be internalized by the agent. Once these codes are internalized, it is difficult to distinguish the moral convictions that arise purely as an expression of an agent's moral autonomy from those the agent has adopted from an externally derived code of conduct. For all practical purposes, they become one and the same. So long as an agent possesses the practical reason to determine whether the code in question is morally sound, as well as the moral autonomy to diverge from the code in situations in which it is found wanting, then the abuses resulting from unreflective compliance to a poorly drafted code of conduct can be mitigated.

As I observed in the summary of Chapter Three, it is one thing to promote a moral end to military service, but quite another to induce soldiers to internalize that end such that it exerts motivational force over their behavior. One of the advantages of the military's code of ethics is that it facilitates this internalization process. As Mark Osiel notes, military codes of conduct derive their motivational efficacy by establishing a connection between the soldier's identity and his faithful adherence to the ethical code:

> The best way to ensure that, for instance, a young U.S. Marine will not commit a war crime even if given (illegal) orders to do so by a superior officer is not to drill the said Marine on the provisions of international law and the UCMJ, but rather to help him internalize an appropriate warrior's code that will inspire him to recognize and reject a criminal direction from his officer.[242]

To support this view, Osiel relates the account of an officer who described coming upon a young marine with the muzzle of his rifle pressed against the head of a Vietnamese woman. The officer immediately called out, "Marines don't do that." The comment snapped the Marine back to his senses and caused him to lower his rifle. The officer's approach, which appealed to

---

[242] Osiel, 23.

the young man's identity as a U.S. Marine, an identity bound up with a demanding code of conduct he had sworn to observe, was far more effective than citing the law of armed conflict or making an intellectual appeal to his reason, particularly given the exigencies of the situation. In this example, the internalization of the code of ethical conduct demonstrates how peer honor and integrity can become, for all practical purposes, one and the same.

One might argue that the motivational influence of honor, as well as shame, is fatally undermined without the presence of an audience to assign praise or blame. However, despite the absence of actual observers to pass judgment, the motivational efficacy of honor need not be undermined, provided that the code upon which honor is awarded is internalized in such a way that it forms what Hume calls an "impartial and judicious spectator."[243] Usually, the observer will be imagined as a proponent of the code that is being applied. However, as Bernard Williams notes, not even this necessary. Just as people can "be ashamed of being admired by the wrong people, in the wrong way," the imaginary observer could be conceived of as one who would approve of the violation of the code, therefore, casting it in an even more unsavory light.[244]

The internalization of the code blurs the distinction between the motivation provided by the conscience and that provided by the judgment of one's peers. On this view honor becomes not just an external standard that one must live up to but, rather, in the words of C.H. Cooley, it becomes a:

> Finer kind of self-respect. It is used to mean either something one feels regarding himself, or something that other people think and feel regarding him and so illustrates by the accepted use of language the fact that the private and social aspects of self are inseparable. One's honor, as he feels it and his honor in the sense of honorable repute, as he conceives it to exist in the minds of others whose opinions he cares for, are two aspects

---

[243] Ibid., 24.
[244] Williams, *Shame and Necessity*, 82.

> of the same thing. No one can permanently maintain a standard of honor if he does not conceive of some other mind or minds as sharing and corroborating this standard.[245]

By internalizing the values articulated in the code, the soldier invests his self-image in maintaining the code's standards. As demonstrated by Osiel's anecdote about the U.S. Marine, invoking the standards of the code, along with the loss of identity a soldier will suffer by violating it, is often a powerful enough incentive to prevent the commission of immoral acts, even amidst the stress of combat.

When reflecting on the wisdom of employing honor as motivational tool, it is important to bear in mind that humans are essentially social beings and require some level of participation in a social structure or group in order to flourish. Living within a group generally requires codes of behavior, either explicit or implicit, that set the standards of respectable conduct that are necessary for the type of peaceful coexistence that is conducive to human well being. Living as a contributing member of a group entails living in accordance with the values and standards that are embodied in the group's code of conduct, whether that code is articulated as formal law or as a loose network of customs and social practices. Whatever form the code takes, positive recognition (honor) for conformance with the code's standards and negative recognition (shame) for violations of the code are powerful motivational forces.

Of course, an optimal world would be one in which all citizens behaved ethically without the promise of honor or the threat of shame. Unfortunately, such a world exists only in utopian fantasies and even the most morally autonomous among us require, from time to time, some form of external praise or censure in order to do the right thing. The praise and censure of our peers exerts a powerful influence over our moral behavior and this fact, rather than being lamented, should be pragmatically employed.

---

[245] C.H. Cooley, *Human Nature and the Social Order* (Scribner: New York: 1922), 184.

4.5 The Informal "Ethic" and its Influence on Ethical Behavior

Outside of the formal ethical guidance described earlier, there are many informal influences that contribute to what I have called the military's "informal ethic." One of the more positive contributions to this ethic is military literature, which is quite popular amongst soldiers. For instance, Steven Pressfield's novel, *Gates of Fire*, a fictionalized account of the three hundred Spartans who sacrificed their lives defending the pass at Thermopylae, resonates deeply with soldiers and provides a striking example of the type of selfless devotion to duty and country that the professional ethic seeks to impart. Other contributions come from popular culture such as military-themed films and television shows. Films such as *Saving Private Ryan* and the HBO mini-series *Band of Brothers*, while meant as entertainment, can also communicate important ethical lessons, sometimes more effectively than lectures or formal ethical doctrine.

Often, these informal influences complement the formal ethic; however, this is not always the case and without the appropriate guidance, a young officer or soldier can come away having absorbed the wrong lesson from these informal influences. For instance, *Saving Private Ryan* illustrates how popular entertainment has the potential of transmitting lessons that undermine soldiers' understanding of their ethical responsibilities. In one particular scene, the company commander, Captain Miller, orders his men to release a German prisoner they have captured. The nature of their mission makes it impossible for them to bring the prisoner with them, and Miller cannot spare anyone to escort the prisoner back to American lines. A significant number of Miller's soldiers object to this order, and in sorting out the competing reasons for killing the prisoner versus setting him free, the squad is brought to the brink of mutiny. In the end, Miller convinces his men that killing the prisoner, besides being legally impermissible, is an act that will irreparably mar their own moral identity. Unfortunately, Miller and the German prisoner

encounter one other in battle later in the film and the prisoner kills Miller, before being killed himself.

Without the proper perspective, a soldier could easily come away believing that, in situations analogous to that depicted in the film, prisoners should be executed lest they return to the battlefield to exact revenge. However, if these scenes from the movie were used as a teaching tool in a military ethics class, a competent instructor would go to great lengths to point out the fact that Miller was killed by the very prisoner he took mercy on is completely beside the point. First of all, the law of armed conflict is categorical in forbidding the execution of prisoners. Once they surrender, prisoners become noncombatants and are no longer legitimate targets. An instructor could also guide soldiers to an understanding of how unnecessary killing, particularly of noncombatants, is an act that is likely to haunt a soldier for the rest of his life. That soldiers might face a former prisoner in combat at some future date is just one more risk, among many, that they assume when they swear to abide by the military's code of ethics.

In addition to films and literature, violent video games exert their own insidious influence on the psyches of young soldiers and how they view their ethical responsibilities.[246] As noted in Chapter One, many psychologists cite the popularity of these games as one reason why modern soldiers are much less conflicted about pulling the trigger than soldiers in previous wars. Unfortunately, the type of operant conditioning provided by violent video games occurs in a moral vacuum, without any discussion of the consequences that accompany the act of killing. In the end, soldiers are bombarded with these types of cultural transmissions and are left free to draw their own conclusions, which are often deeply immoral.

---

[246] Grossman, *On Combat,* 82.

Apart from the media influences described above, the informal ethic is largely a product of the socialization process soldiers experience when they join the military. In the hothouse environment of recruit training, in which access to outside influences is tightly controlled, it is relatively easy to impart the tenets of the professional ethic. However, once recruits leave the training environment and arrive at their operational units, they quickly acclimate to the prevailing moral climate. [247]

One feature of the military's operational climate that significantly undermines the professional military ethic is a widespread culture of alcohol abuse. The deleterious influence of alcohol on moral behavior cannot be overstated. As one Vietnam veteran observes:

> Looking back to my time in Vietnam, there were a number of things that cost us that war, and I believe alcohol was one of them. Today's small-unit leaders should never encourage any leeway; they must insist on compliance with General Order No. 1. During pre-deployment training, good leaders will promote the expectation that there will be no drinking in the battle space.[248]

Over the course of the last three decades, the military hierarchy has come to share this assessment of the negative affects of alcohol consumption, particular in theaters of war, and has instituted a ban on alcohol in combat zones. However, alcohol abuse remains a significant problem. For instance, military officials estimate that alcohol is a contributing factor in the vast majority of cases of sexual assault reported by service members.[249] Instead of promoting a sense of solidarity, alcohol often undermines the sense of loyalty and duty soldiers owe to one

---

[247] The author recalls visiting the Naval Recruit Training Center (RTC) at Great Lakes, Il. Part of the tour included observing a recruit company undergoing their last strenuous 30-hour drill in shipboard damage control before graduating. The commanding officer of RTC asked us to note how proud the recruits were of what they had accomplished, particularly their enthusiasm for the Navy's core values. "All this will change in about a month when they report to their follow-on training or first operational command," he said. Many of the motivated, enthusiastic sailors that graduate from recruit training will be infected by the operational fleet culture and their enthusiasm for the core values will tend to diminish in proportion to the emphasis placed on observing these values in their operational units.

[248] Couch, 105.

[249] Craig Whitlock, "Military leaders open to power shift in sexual-assault investigations," *The Washington Post* (online), May 17, 2013. http://www.washingtonpost.com/world/national-security/military-leaders-open-to-power-shift-in-sexual-assault-probes/2013/05/17/e9aed3a6-bf26-11e2-a31d-a41b2414d001_story.html

another, particularly between males and females. One female Air Force officer observes that highly disciplined soldiers can become leering fools under the influence of alcohol and that "the brotherhood of arms ends at the first drink."[250]

Along with the influences mentioned above, Kermit Johnson has identified four "institutional forces" that are woven into the fabric of the military's operational culture that further undermine the influence of the formal professional military ethic: [251]

1. The attitude that if a practice achieves results, then it is right.
2. Unreflective loyalty to one's superior is an imperative duty.
3. Excessive concern for the image of the unit and the military profession that leads to concealing mistakes.
4. The tendency to emphasize career success at the expense of ethical considerations.

One does not have to look too deeply to perceive the deleterious influence of these forces, particularly when they affect the ethical reasoning of those at the pinnacle of the military's command structure. For instance, the attitude that if a policy achieves results, then it is morally acceptable was the justification for the torture memorandum issued by the Bush administration.[252] In this case, the belief that torture produces reliable, actionable intelligence was a mistaken impression rather than a concrete fact; however, this reason continues to be cited by some as a justification for continuing the practice.

The belief that results alone justify a particular practice is a relatively common perception among soldiers and is often reinforced by the chain of command. Benjamin Overby relates his

---

[250] Elizabeth Robbins, "Alcohol abuse is fueling military sexual assault," *The Washington Post* (online), June 13, 2013. http://www.washingtonpost.com/opinions/alcohol-abuse-is-fueling-military-sexual-assault/2013/06/13/da2f5ada-d37c-11e2-a73e-826d299ff459_story.html

[251] Kermit Johnson, "Ethical Issues of Military Leadership" *Parameters* IV (1974): 35-39.

[252] Barton Gellman, *Angler: The Cheney Vice Presidency* (New York: Penguin, 2008), 174.

personal experience with an Army captain who hid unauthorized spare parts in the false ceiling of his office in order to conceal them from inspectors conducting an annual audit of his supply practices. During the audit, the false ceiling collapsed under the weight of the parts and the captain justifiably received an unfavorable mark for logistics management as the hoarding of parts creates artificial shortages, denying them to forward deployed units that badly need them. Sadly, the only response of the captain's immediate superior was regret that the ceiling gave way at the inopportune time that it did.

Part of what motivates the illicit practices described above is a concern for preserving the image of the unit, no matter the cost. The fact that the massacre at My Lai remained hidden for so long was largely due to the concern that an investigation would tarnish the image of the division and the U.S. Army. This concern for the unit's image was also evident in the cover-up associated with the massacre of Iraqi civilians at Haditha in 2005.

The third institutional factor, the perception that unquestioning loyalty is the hallmark of a good officer, also contributes to crimes, such as the cover up of war atrocities, as well as less egregious forms of unethical behavior. For instance, the actions of the Iran-Contra conspirators, as well as their perjury to investigators and members of Congress, was motivated by the belief that loyalty to the President trumped their oath to preserve and defend the Constitution.

Perhaps the subtlest of the four institutional forces, and the one that, because of its insidiousness, does the most damage to the professional ethic, is careerism within the officer corps. Unlike many professions, the military does not offer large financial bonuses for superior performance; no matter how many hours a soldier works, his paycheck remains relatively modest compared with the responsibility he holds. The primary way operational success is rewarded is

through promotion, which requires a soldier to earn consistently stellar performance reviews. This contributes to a "zero-defect" environment in which even relatively minor mistakes have the potential to destroy a career. As Richard Gabriel observes:

> Every officer knows that a single less-than-perfect efficiency report may well mean the difference between a successful and unsuccessful career. The same is true for the noncommissioned officer. As a consequence, leadership elements too often stress the "wolf-at-the-door syndrome." In assuming their positions, they take few risks, try to keep the lid on existing problems, and avoid confronting problems directly. To admit that a unit has problems is often perceived as a reflection on the commander's abilities. Thus commanders often hope to keep everything in order at least publicly, long enough to receive a good efficiency report and then move on to another assignment.[253]

The careerism described above makes a mockery of the professional military ethic, influencing officers to conceal training and readiness problems and to treat their soldiers merely as a means to an end, with the end being not a more capable military unit, but a favorable fitness report for the officer. The inherent danger in careerism is that it destroys the moral fiber of the military institution and undermines national defense, taking what should be well-trained and equipped military units and turning them into 'Potemkin villages.' Careerism and the unethical behavior it spawns took such a toll on the readiness of the armed forces in the immediate aftermath of Vietnam War and throughout the 1970s, that the U.S. military was referred to as a "hollow force."

While conditions within the 21st century American military are not anywhere as dire as at the institution's nadir in the 1970s, some of the attitudes that promote careerism still persist. The most damaging of these attitudes is the "zero-defect" mentality described above, in which any mistake, either by an officer or one of her subordinates, threatens to derail the officer's career. Humans are naturally inclined to conceal their misdeeds and such an implicit policy only exacerbates that tendency by punishing officers who abide by the core values articulated by the professional military ethic. The hypocrisy of promoting one ethical standard while

---

[253] Richard Gabriel, *To Serve With Honor* (Westport: Greenwood Press, 1982), 13.

implicitly rewarding behavior that is diametrically opposed to that standard, results in a type of moral dissonance that destroys faith in the professional military ethic and the values it endorses.

4.6 Curbing the Influence of the Informal Military "Ethic"

The military is not the only profession that suffers from careerism, alcohol abuse and the other corrupt institutional influences that undermine the professional ethic; these influences are universal and chip away at the ethical integrity of other professions as well. However, the consequences of a debased code of military ethics are particularly serious, running the gamut from the failure of a military unit to perform its mission, the commission of war atrocities and, in certain instances, the compromise of the nation's democratic institutions. In light of this, considerable effort should be devoted to curbing the impact of these deleterious influences. This leads to the pressing question of how this can be accomplished and, given the nature of this discussion, how virtue ethics contributes to it.

Part of addressing this question requires determining why the professional military ethic seems to be so susceptible to being undermined by unethical influences. One would expect that the military's professional ethic would weather the assault from societal and institutional influences more successfully than it initially appears. Earlier in this chapter, I provided an example of how invoking the professional code can pull soldiers back from the brink of committing war atrocities. Considering the motivational force the code can exert, it is, at times, puzzling how the corrupt influences described above are able to gain any traction, and the fact that they do seems to call into question virtue theory's conception of moral character.

Of course, the professional ethic is not employed in a vacuum. Considering this, the first step in addressing concerns about the professional ethic's potency is to be mindful of another central component of virtue theory, which is that, despite the best intentions, it is exceedingly

difficult for an agent to be virtuous in an ethically corrupt environment. For instance, one reason that corrupt institutional forces exert so much leverage is that young soldiers observe their seniors successfully employing the unethical tactics described above and adopt these tactics for their own. In order to counteract the influence of corrupt institutional forces, the military should make them unprofitable to employ. Of course, this is easier said than done. While the military does an adequate job of punishing behavior that meets the qualification of criminal behavior, it is less effective at rooting out conduct that, while not exactly criminal, is still unethical. One measure that would go some way towards producing the desired effect would be to reform the 'zero-defect' mentality that currently plagues the armed forces. While not a panacea in and of itself, this measure would remove some of the pressure that induces many officers to falsify reports and engage in other forms of unethical behavior.

Admittedly, there seems to be a vicious circularity at work here. The reason the professional military ethic is not as effective as it might be is due to a corrupt operational environment; however, the operational environment cannot improve without the influence of the professional ethic. Considering this, the key to improving the military's ethical climate lies in finding a wedge to break this circularity. Ultimately, the struggle to ensure the ascendancy of the professional military ethic over its corrupt rival depends upon another foundational component of Aristotelian virtue theory; character education. Based on the author's experience and observations, meaningful ethics education ceases almost completely upon a soldier's graduation from initial training, after which the operational culture starts to erode the values and virtues that were so painstakingly developed. So, in addition to promoting an operational environment that rewards virtue and punishes vice, the military needs to reinvigorate ethics education and devote more focus to the fundamentals of virtue and character development and

their contribution to well-being. As the subject of ethics education will occupy Chapter Five, I will set it aside for the time being.

It is worth noting that there is often a lack of continuity between the way the military's professional ethic is taught and its application during operational training. In contrast to what virtue theory teaches, ethics is often viewed within the military as a stand-alone subject, confined to classroom lectures, rather than being something that infuses every aspect of military training. As a result, soldiers not only fail to understand the relevance of the code, but also lack the ability to apply it in actual situations.

One effective method of emphasizing the relevance of the code of ethics is by integrating the practice of the code with combat training. For example, Navy Special Warfare teams (SEALS) have incorporated a system called Close Quarters Defense (CQD) into their tactical training. CQD is essentially a self-defense program that puts the SEAL operators through tactically sophisticated combat simulations where they learn how to manage and channel aggression in accordance with the ethical codes of the service. The training encompasses two weeks and is set up in multilevel increments of increasing difficulty. In one scenario, the SEAL encounters an armed insurgent with civilians in the potential line of fire, forcing him to make a choice between using his weapon and risking killing the civilians or finding another way of neutralizing the opponent. Dick Couch relates the experiences of a SEAL operator who has personally gone through this training and testifies to its effectiveness:

> I came through the door into a room and this Iraqi, one of the target's bodyguards, came at me with a knife. Now, under normal conditions, that knife would have earned him a bullet. You never let a guy get close to you with a lethal weapon if you can help it. But, at a glance, I saw a woman and some kids behind him. So I let this Iraqi come at me and took him out with a barrel strike. He went down like a sack of cement. We moved on through the house and found the guy we came to get. The bodyguard with the knife was still out cold when we hustled the target out of there.
>
> With the CQD training behind me, it was all instinct, and yet it felt like it was almost in slow motion. It was like 'Okay, he's earned a bullet, shoot him-oops, can't shoot him; Mom and kids behind him-barrel strike to the head.' It was a chain of decisions, but they happened instantly. And I'll tell you something else. It really feels

> good to have done the right thing-to have made a good call. If I hadn't had the ability to recognize the potential harm to noncombatants and the ability to take him down without lethal force, I'd have had no choice but to shoot him and risk harm to the others. I wouldn't have minded shooting him, but my training gave me a better option-certainly better for the noncombatants and, as it turned out, better for him.[254]

This account highlights the positive results that can come from integrating the code of ethics into operational training. Not only were the noncombatants protected, the operator himself was spared significant psychological trauma had he inadvertently killed them. CQD is a potent example of the power of ethical habituation that forms one of the cornerstones of virtue ethics. The values of proportionality and restraint, when incorporated as part of the conditioning process, can inoculate a soldier against the corrupting influences of the informal ethic discussed earlier in this chapter. Furthermore, CQD promotes the mindset that character is essential to the soldier's ability to perform tactically. In addition to the character traits normally associated with military service, CQD encourages the development of respect, humility and compassion that are essential to moral conduct on the battlefield and preserving the soldiers humanity, allowing him to reintegrate into his family and society.[255]

4.7 Summary

War exacerbates soldiers' worst tendencies and magnifies their characters flaws. Additionally, soldiers' physiological and neurological responses to combat stimuli tend to inhibit their reasoning abilities. No professional code of ethics can totally negate these influences nor completely eradicate the type of atrocities that occurred at My Lai and Haditha. The most that can be expected is to ameliorate these influences, reducing the frequency with which atrocities are committed, as well as the cover-ups that inevitably seem to accompany them. In meeting this objective, a professional code of ethics complements the way in which virtue theory informs

---

[254] Couch, 87-88.
[255] Ibid., 90-91.

military ethics by supplementing a soldiers' practical reason and providing a coherent framework that explicates the virtues and values that are essential for the ethical practice of the military profession.

The professional military ethic also guides the practice of traits that, while not necessarily virtues, nonetheless are critical to ethical military service. For instance, the professional ethic provides a conceptual framework for understanding the importance of a soldier's obedience to the state, embodied by his oath to the U.S. Constitution, and how that obedience contributes to securing the goods inherent in the ethical practice of the military profession. The code also places the concept of honor in its proper perspective, as integrity in observing the code's ethical standards, and stresses how this adherence to the ethical code contributes to a soldier's professional and personal well-being.

As stated at the outset, the professional military ethic, while an authoritative guide, is not dogma. In fact, the code is best seen as a tool for enhancing the ethical practice of the military profession and, as such, there will be instances when the code, as a tool, is not suitable for adjudicating the ethical problem at hand. In these instances, soldiers, particularly officers and senior NCOs, must possess not only capacity for moral reasoning but also the moral dispositions necessary to guide that reasoning to the most ethical solution to the problem. Realizing that capacity, along with developing the necessary moral dispositions, is partly the task of moral education, a subject that will be addressed in the following chapter.

Chapter Five:

The Contribution of Virtue Theory to Military Ethics Education

5.1 Introduction

The focus of this final chapter is on the contribution of virtue-centered moral education to military ethics. Given the exigencies of war, soldiers often need to act instantaneously, without time for deliberation. Therefore, if soldiers are to act ethically in pressurized circumstances their actions must proceed from a foundation of deeply ingrained, robust character traits. At the same time, a large proportion of morally significant decisions allow time for deliberation. It is the task of military ethics education to prepare soldiers to contend with the challenges presented by both types of situations.

Meeting these challenges requires the development of the moral virtues and the practical wisdom that comprise the essence of moral character. Developing moral character, in turn, requires a holistic approach to ethics education, one that emphasizes the importance of ethical conduct throughout all aspects of a soldier's life. Unfortunately, despite the best intentions, military ethics education often fails to meet these conditions.

First, military ethics education is often overly preoccupied with inculcating obedience to rules. This approach certainly has its place, particularly early in soldiers' military service, when they are adapting to the military environment and are just beginning to understand the standard of conduct that is expected of them. However, as the preceding chapters have shown, building virtuous character requires a great deal more. While a certain degree of indoctrination is a part of ethics education, at least in its initial stages, what essentially differentiates ethics education from indoctrination, is that ethics education should assist students with developing the

ability to think for themselves, as well as to take up the reins and guide their own ethical development.

Second, the level of attention the military devotes to ethics education diminishes substantially after soldiers complete the initial training required by their branch of service and combat specialty. In a way, this is understandable. There are not enough hours in the day to address all of the training requirements that military units are obliged to satisfy. Unfortunately, there is a common, but mistaken, belief that past a certain age we possess most of the ethical knowledge we are likely to need, as well as the moral fortitude to apply it. Therefore, when military commanders are faced with a range of conflicting training requirements, ethics education is often the first to be neglected. Sadly, this neglect often communicates that ethics is not an especially high priority for military commanders, leading many soldiers to assume that it should not be a priority for them either, in turn facilitating the development of a moral climate that enables ethical abuses.

The consequences that result from of a lack of emphasis on ethics increase in severity with the rank of the soldier and, in the case of officers, these consequences can be particularly dire. For instance, as officers advance in their careers and assume control of combat operations involving large number of troops, their ethical development does not necessarily keep pace with their increased ethical responsibilities. The same applies to staff officers who, though not in command of large numbers of troops, are responsible for drafting war plans and compiling target lists for combat operations in which noncombatants are placed in extreme peril. Officers serving in both roles require astute judgment about ethical matters, the development of which demands some level of professional ethics education. Apart from combat operations and operational staff planning, the military must also deal with the more mundane problems of

"institutional" ethics that confront most large organizations whose membership is composed of mixed genders, races and sexual orientation. In such organizations, developing respect between different groups unaccustomed to working alongside one another can be especially challenging.

An absence of attention to ethics and ethical development creates a climate in which ethical abuses easily take root and spread. While the popular conception of the virtuous agent is that of a person having the resilience of character to act ethically regardless of the climate in which he finds himself, practical experience demonstrates that the presence of like-minded, virtuous individuals exert an enormous influence over ethical conduct, a fact that virtue theory acknowledges. As Nancy Sherman observes, "The self-sufficient solitary may not need others as means or instruments for material living (or only minimally so), he will still need others to create jointly a life of virtue."[256] It is the duty of military commanders to create a mutually supportive environment in which virtuous character can develop and flourish.

Along with a positive ethical climate, character development is facilitated by an ethics education that elucidates the elements of virtue theory that were the focus of Chapter Two. For instance, without a clearly articulated moral end, military ethics is reduced to a set of arbitrary rules without a guiding sense or purpose. While no network of rules can adequately address all of the diverse ethical challenges that a soldier may face, if soldiers understand and appreciate the moral end of military service, that end can at least serve as a rough guide for their ethical reasoning, especially in circumstances in which existing rules prove to be inadequate.

In conjunction with articulating a moral end to military service, military ethics education should impart an understanding of the moral virtues and how their integrated practice contributes to achieving the ethical goals of the military profession. Developing an appreciation for the

---

[256] Nancy Sherman, *The Fabric of Character: Aristotle's Theory of Virtue*, 130.

importance of the integrated practice of the moral virtues also promotes the ethical expression of other character traits, such as loyalty and obedience that, while not moral virtues, are vital for the ethical practice of the military profession.

Traditional classroom educational methods, such as lectures and structured group discussions, are important in promoting an intellectual appreciation for the elements of virtue theory described above. However, just as skill as a violinist cannot be acquired solely through the study of music theory, moral character cannot be developed purely through attending ethics lectures. Instead, moral character is formed through a process of habituation, which means acquiring experience in the practice of the virtues. Therefore, if soldiers are to internalize the elements of virtue theory, as well as develop the practical reason and the ethical dispositions that are the twin pillars of moral character, ethics education must expand beyond the static classroom setting.

The foundation of moral character is laid during childhood, with the development of ethically appropriate emotional dispositions, such as the dispositions to be generous, just and courageous. Most of us possess a predisposition towards some of these traits, which are the natural virtues discussed in Chapter Two. With proper guidance, these dispositions evolve as we mature and by the time we reach adulthood many of our ethical dispositions are already formed; however, contrary to what some critics assert, this does not mean that these dispositions cannot be heightened or that new ones cannot be developed. At the same time, without due attention, the fundamental components of moral character, once attained, can also be lost. One of the goals of this chapter will be to argue for this view and suggest methods by which these ethical dispositions can be developed as well as sustained.

In order to operate as true virtues that positively contribute to moral character, emotional dispositions require the guidance of practical reason. Like emotional dispositions, practical reason cannot be developed solely in the classroom, although formal education can augment its development. In fact, ethical dispositions and the practical wisdom needed to apply them develop in tandem. For instance, assuming positions of leadership can assist soldiers in developing temperance, or restraint, in regard to their expression of emotions such as anger and aggression that, when displayed in an undisciplined fashion, can have deleterious ethical consequences. Anger and aggression, in and of themselves, are not necessarily unethical, and the same experiences that promote the development of temperance also educate soldiers on how aggression should be practically channeled in order to serve an ethical end. This process was illustrated in Chapter Four, where I describe how practical reason can be developed through incorporating key aspects of the military's professional ethic, such as restraint and discrimination, into operational training. This form of training demonstrates how the practice of habituation can help in developing a soldier's ethical dispositions and practical reason to the point at which ethical conduct becomes second nature.

Unfortunately, the educational methods described above are by no means practiced military-wide, and I will argue that they should be implemented more widely. In particular, I will argue that military ethics education is woefully deficient in promoting the development of the practical reason that is one of the cornerstones of moral character and that the military would benefit from a more systematic effort to develop this critical skill.

However, before delving more deeply into the mechanics of character development, one of the first challenges that must be addressed is the argument that the military should not be in the business of trying to build character at all, that such an enterprise is not only futile but also a

paternalistic affront to the autonomy of the men and women that elect, of their own free will, to join the armed forces. This criticism is just one component of larger debate over the ultimate goal of ethics education. Should ethics education be purely 'functional,' concentrating on promoting correct ethical behavior within the narrow context of the soldier's professional duties, or should it be 'aspirational', concerning itself with the more ambitious objective of shaping soldiers' characters, an approach that extends beyond the instrumental concerns of promoting military efficacy and encompasses their nonprofessional identity, as well. Some moral philosophers see the functional and aspirational approaches as fundamentally at odds. While I will argue that the goal of moral education should be aspirational, certain elements of the functional approach, such as the emphasis on professionalism, also have an important contribution to make to military ethics education and can coexist with an approach that is primarily aspirational.

5.2 Should Ethics Education be Functional or Aspirational?

The debate over whether character development is even possible is just one component of a broader discussion as to whether the focus of military ethics education should be functional or aspirational. On the functional approach, moral education should focus on educating soldiers to "follow the principles of military ethics necessary for the functioning of the military force, but avoid any attempt to change their characters in a deep way."[257] Conversely, the aspirational approach aims to educate military personnel who are virtuous persons as well as professionally effective soldiers.[258] The aspirational approach aims to promote meaningful changes in

---

[257] Asa Kasher, "Teaching and Training Military Ethics: An Israeli Experience" in *Ethics Education in the Military,* ed. Paul Robinson, Nigel De Lee and Don Carrick (Burlington: Ashgate Publishing, 2008), 163.
[258] Jessica Wolfendale, "What is the Point of Teaching Ethics in the Military" in *Ethics Education in the Military,* ed. Paul Robinson, Nigel De Lee and Don Carrick (Burlington: Ashgate Publishing, 2008), 161.

soldiers' characters that not only guide their behavior on the battlefield, but in their personal lives as well.

Initially, it would seem that the overwhelming consensus among philosophers would be in favor of an aspirational approach, that a nation would want its soldiers to be ethical men and women, as well as ethical soldiers. In fact, the latter would seem to depend upon the former. However, some philosophers working in the field of military ethics, such as Peter Olsthoorn, worry that an aspirational approach to ethics education, such as that espoused by virtue ethics, sets the bar for ethical behavior beyond the reach of the average soldier.[259] On Olsthoorn's view, most professional soldiers join the armed forces for "post-traditional" reasons, such as salary and adventure, and not to fight for morally worthy goals. He notes that patriotism and other abstract ideals do not appear to be the primary factor motivating soldiers, particularly in combat scenarios, where social pressures, such as loyalty, exert a stronger motivational influence.

Olsthoorn also notes that soldiers generally have little say about the causes for which they fight. On this view, professional soldiers are merely instruments of politics and, as such, it is irrelevant to them whether they are sent abroad to promote freedom and democracy or for less noble reasons such as oil and electoral politics. In light of these considerations, Olsthoorn sees a dissonance between the aspirational goal of ethics education and how soldiers behave in actual practice:

> On the one hand, the subject matter of ethics is how people ought to behave, and not how they actually do behave; yet, on the other hand, 'any persuasive account of what makes men willing to fight ethically must be compatible with a more general account of what makes them willing to fight at all' (Osiel 1999, 202). A military ethics that does not take men's actual motives into account seems a bit too academic. For the education

---

[259] Peter Olsthoon, "The Ethics Curriculum at the Netherlands Defence Academy and Some Problems," in *Ethics Education in the Military,* ed. Paul Robinson, Nigel De Lee and Don Carrick (Burlington: Ashgate Publishing, 2008), 125.

> of ethics, such an overly academic approach would, first, mean that the education would be ineffective and second that the above-mentioned drawbacks of social cohesion would go unattended.[260]

Olsthoorn believes that an aspirational approach to ethics education does a disservice to soldiers by neglecting to address the more pragmatic concerns, such as loyalty, that motivate soldiers to fight and risk their lives. Given the pragmatic concerns of most soldiers, Olsthoorn believes the military should take a less idealistic approach to ethics education, focusing exclusively on promoting compliance to the ethical rules that demarcate soldiers' professional obligations.[261]

The views of Asa Kasher and his colleagues at the Israeli Defense Force College are closely aligned with those of Olsthoorn and, taken together, they are representative of the 'functionalist' approach to military ethics education. Kasher notes that any project of ethics education is more effective if it is presented in terms of professional development:

> What one has to do, when introducing military ethics to students of a military college or course is: first, to discuss with them their being members of certain military professions; second, to inform them that they are expected to know much more about their own profession than what meets the eye or is already known to them; third, convince them that each of them is expected to develop their professional identity; and finally, show them that military ethics is directly related to their professional identities. In our experience, such an approach encounters neither resistance in terms of relativism, nor resentment in terms of allegations of heteronomy. It provides the officers with the most natural means of introducing military ethics into their professional lives.[262]

In some respects, this approach coincides with a view that I promote in Chapter Four; developing a relationship between ethical conduct and a soldiers' identity as a professional can assist in internalizing the ethical ends of military service, the primary difference being that I maintain that professional and personal ethics cannot be neatly bifurcated in the way that the functionalists endorse. This is an important point about which more will be said later.

Unfortunately, the functionalist perspective endorsed by Kasher and company leads them to the conclusion that military ethics courses devoted to the discussion of moral issues are

---

[260] Ibid.,128.
[261] Ibid.
[262] Kasher, 138.

misguided and, thus, largely ineffective. Kasher believes the source of this defect is attributable to a failure to differentiate between morals and ethics, with ethical considerations, rather than moral, being the proper focus of military ethics education.[263] In articulating the difference between moral and ethical considerations, Kasher relies on the use of "thin" and "thick" concepts.[264] Thin concepts, such as good and right, are primarily "action guiding" whereas thick concepts such as courage, prudence and rudeness, while also action guiding, possess the additional feature of being "world guided," meaning that their application is primarily determined by conditions found within the world. Thick terms are context sensitive and, as such, form the basis of what is considered ethical knowledge within the perspective of a particular society or culture.[265] For instance, describing a particular act as good or bad says something important about it and recommends that it should either be encouraged or discouraged. Describing an act as courageous or cowardly functions in a similar fashion, but reveals more about why that action is good or bad and why it is recommended or avoided.

An example of the context sensitivity of thick terms can be seen in how the concept of cowardice can encompass different types of behavior depending on the culture in which the term is employed. During the Second World War, soldiers in the Imperial Japanese Army were taught that surrender, even in the face of hopeless odds, was a cowardly act. In contrast, for their American and European opponents, surrender was not cowardly under circumstances where continuing to fight would only result in meaningless sacrifice. Depending on the cultural context in which it is used, a thick term can convey approbation or disapprobation in regards to

---

[263] Ibid.
[264] Ibid.,139.
[265] Timothy Chappell, "Bernard Williams," *The Stanford Encyclopedia of Philosophy* (Winter 2013 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2013/entries/williams-bernard/>.

similar types of behavior and, in this sense, can come to represent a form of ethical knowledge within a particular society.

Thick and thin concepts are pivotal in Kasher's explication of why military ethics should focus on ethical rather than moral considerations. For Kasher, thin concepts (right, good) describe relations between individuals as persons, independent of any professional relationship between them. Thin concepts are used to described moral behavior, defined as how we treat other persons as persons. Conversely, thick descriptions describe relationships that are not just between two persons, but between two persons with distinctive professional or role dependent identities, such as the professional relationship that exists between a military commander and his subordinate.

Functionalists view ethical considerations as those that pertain to persons interacting under thick descriptions, whether they are professional or societal. It is these ethical, rather than moral, considerations that are the proper subject of military ethics education. The functionalist rationale for this position is the belief that military ethics is largely a matter of persons interacting with one another under some type of thick, professional description, rather than on a fundamental personal level. As Kasher explains:

> The problem of devoting a course in military ethics to moral issues that arise in military affairs is that during the discussions held in such a course, the principles to be applied are moral ones, that is to say, principles that apply to persons as such in general. The particular features of a military situation will serve as the 'input', so to speak, of the moral deliberation in terms of the moral principles. However, there is no reason to assume that a delineation of propriety in military interaction [between two military members] is possible in terms of moral principles alone. Put differently, it does not seem right to hold that all the elements of propriety in military interaction are morally required. Is military discipline a moral necessity, or rather a feature of the capacity of being a military commander or a subordinate? Is unit cohesion a moral necessity? Is professionalism itself justified by moral considerations, on grounds of general principles such as respect for human dignity in general?[266]

[266] Kasher, 139.

It is important to note that Kasher is not advocating that the discussion of moral principles be entirely eliminated from military ethics courses, at least not in the passage cited above. However, he is adamant that moral principles do not adequately capture the complexities of highly contextual, professional relationships that define the practice of military ethics and, therefore, should be subordinate to ethical considerations when developing the content of military ethics courses.

One unfortunate conclusion drawn by functionalists is the view that it is not the task of ethics education to impart moral virtues or attempt to change a soldier's character in any fundamental way. Rather, functionalists believe ethics education should confine itself to promoting principle-guided behavior that is immediately relevant to the performance of a soldier's professional duties.[267] This position is grounded in the belief that liberal democracies, if they are to be faithful to their founding principles, should respect the moral autonomy of the volunteers that constitute the armed forces and that deliberate efforts to modify the character of soldiers are an affront to their dignity and independence.[268] From the functionalist perspective, character development is not an essential requirement of ethical behavior for, as Kasher notes in reference to military ethics education, "A change of character can take place and, we assume, often does, but it is not a necessary condition for having ability and commitment to always behaving properly."[269]

---

[267] Ibid, 139.
[268] Ibid.
[269] Ibid., 140.

5.3 A Critique of the Functionalist Approach

In arguing for their approach, functionalists make some insightful observations, such as that moral considerations often do not adequately capture many of the distinct contextual relationships that govern ethical conduct between members of a military force. An ethics education that does not devote adequate attention to the contextual complexities that arise from professional military roles does a disservice to soldiers, sowing confusion in areas in which it should be contributing clarity.

Nevertheless, the functionalist argument contains numerous weaknesses, one the foremost being a problem of motivation. For instance, it is difficult to discern how an ethics education devoted exclusively to the teaching of principles is able to motivate soldiers to, in the words of Kasher, "always behave properly." Soldiers, like most individuals, are at least partly motivated out of a natural desire to avoid punishment or garner praise, but this is not a motivation that we would recognize as moral. Furthermore, the motivational force of this desire is dramatically attenuated when soldiers are not supervised. In light of this, it is difficult to understand how the study of ethical principles and rules can, by themselves, inspire soldiers to behave ethically with any kind of reliability, at least not without some appeal to a morally aspirational end that soldiers find personally important and have internalized to a some degree.

The functionalist response to this charge is that a soldier's desire to preserve her professional identity provides the necessary motivation to act ethically. This response has some merit; as I have acknowledged elsewhere, professionalism can be powerful motivational tool. However, behaving ethically purely to preserve one's professional identity is not really the same as acting ethically in the service of a moral end, as the motivation to preserve one's professional identity, if not moderated by other moral considerations, can promote a great deal of unethical

behavior. For instance, cheating on a promotion exam or a material inspection is not incompatible with a desire to maintain one's professional identity. Furthermore, as we saw in the previous chapter, an overemphasis on professional identity at the expense of more personal moral considerations can lead to a form of "careerism" in which soldiers view promoting their professional identity as more important than observing the basic moral considerations that they owe other soldiers, as fellow human-beings.

Another problem with the functionalist argument is the claim that aspirational approaches to ethics education set the bar too high. Functionalists attempt to support this criticism with the assertion that the majority of soldiers join the armed forces either out of economic necessity or out of a sense of boredom and, in light of these purely self-interested concerns, most soldiers do not possess the altruistic dispositions to which an aspirational approach to ethics education attempts to appeal.

It is true that military enlistments tend to increase during economic downturns and that many soldiers volunteer based on recruitment commercials that promise a level of adventure calculated to peak the interest those dissatisfied with civilian routine; however, it is going too far to assert that these factors wholly represent the motivation of those who join the armed forces. Statistics show that the majority of military recruits are drawn from the middle class. Most have other career and educational opportunities apart from military service, and the reason many recruits cite for choosing the military is the attraction of serving what they perceive to be a morally worthy cause.[270]

---

[270] Tim Kane. "Who Are the Recruits?" The Demographic Characteristics of U.S. Military Enlistment, 2003-2005" October 27, 2007. The Heritage Foundation website. Last accessed June 02, 2014. http://www.heritage.org/research/reports/2006/10/who-are-the-recruits-the-demographic-characteristics-of-us-military-enlistment-2003-2005

A particular flaw in the functionalist perspective is the overemphasis on the distinction between moral and ethical considerations and the inflated importance given this distinction in informing ethics education. While many situations are, on their face, purely ethical, many others have both moral and ethical components. This dual aspect of military ethics is a feature in many of the choices that confront soldiers. Functionalists tend to focus on the ethical issues surrounding senior-subordinate relations and unit cohesion that are essential to minimizing the interpersonal frictions involved with military operations. However, military ethics involves far more than just interpersonal relations between members of military force. It also encompasses the interaction between a soldier and his enemy, as well as with enemy noncombatants. These interactions, as well as those between members of the same military force, are subject to the same fundamental moral considerations that govern any other basic human interaction and are just as integral to the fabric of military ethics as are the ethical considerations relating to professional relationships. The fact that a person assumes the identity of a soldier, along with the unique ethical challenges such a role entails, does not mean that the moral considerations meant to govern her interactions with others, on an equal footing as persons, can be laid aside. In fact, as demonstrated in Chapter One, the lack of emphasis on a soldier's moral responsibilities *vis a vis* other persons is a common feature in the commission of war crimes. Considering this, military ethics education requires more emphasis on the moral aspects of military service, not less.

A particularly troubling component of the functionalist approach is the view that military ethics education should have no deliberate role in shaping character. On the functionalist view, character development, if it occurs, is merely a serendipitous byproduct of ethics education, but it should not be its goal because a change in character is not "necessary for having ability and

commitment to always behave properly."[271] Functionalists seem to approach character development with the view that by time recruits join the armed forces, their characters are, to a large extent, already formed and that attempts to mold character after a certain point are fruitless, as well as an affront to soldiers' moral autonomy.[272] From the functionalist perspective, the best that can be done is to institute the appropriate external controls, in the form of ethical rules and principles, along with the necessary inducements to adhere to these principles, such as punishment or loss of status as a professional soldier.

In one respect, virtue ethics appears to offer superficial support for this view of character. Aristotle asserts that the foundations of character are laid in early childhood and, just as seeds will not grow in soil that has not been adequately prepared, without a proper ethical upbringing, ethical education is largely ineffective. The relatively advanced age at which most recruits begin their military service raises the question of whether they have already acquired so many unethical habits that attempts to modify them and acquire more ethical character traits are not just misguided, but destined to fail.

While some recruits come to the military more ethically prepared than others, military service often confronts soldiers with situations for which nothing in their prior civilian experience has prepared them. As a result, most recruits enlist in the military either lacking some of the character traits needed to deal with these situations or, if they possess them, they are not developed to the necessary degree. In addition, recruits bring with them their own set of core values and beliefs installed by parents, churches, schools, peers and other influential groups, some of which coalesce with ethical military service, while others do not.[273] Unfortunately, by

---

[271] Kasher, 140.
[272] Kasher, 138.
[273] Couch, 41.

the time individuals reach their late teens, the earliest age at which recruits are allowed to enlist, their characters are far less pliable than they were even three or four years previously.

Suffice it to say that by the time recruits are old enough for military service, they have already developed many deep seated beliefs and character traits, some of which are not only inimical to ethical military service, but to living an ethical life, in general. However, this does not mean that these traits cannot be modified or that further character development is not possible. Many recruits enlist actively seeking a transformative experience and are highly receptive to education designed to instill values and character. Ethics education, if intelligently implemented, can harness this transformative desire and influence recruits to modify or abandoned unethical beliefs while existing dispositions can be strengthened or attenuated, as required.

For its part, the armed forces has developed methods that have proven effective in molding civilians into disciplined soldiers within a span of a few months. This transformative affect is common across all branches of the armed services but is particularly evident within the United States Marine Corps. As one experienced military author observes, "I've been a student of military training for the past two decades. Nothing, in my opinion, is so dramatic or as transformational as Marine Corps basic training."[274] Recruit training lays a foundation for the development of courage, self-discipline and obedience, traits that are either absent or underdeveloped in many military recruits. It is not unreasonable to expect that the development of other, less paradigmatically martial virtues, such as compassion and empathy, can be encouraged as well. Considering the transformational affect military training can have, it is

---

[274] Ibid., 38.

unduly pessimistic to claim that military recruits are past the age where the elements of character can be developed.

While functionalists eschew character development as an unnecessary burden, even their relatively modest goal of promoting military efficacy requires that soldiers undergo a degree of character development that, if it is to serve an ethical end, must be proactively guided by military training cadres. Military service, particularly service in the combat arms specialties, typically requires a significant adjustment in a recruit's ethical perspective and the honing of certain character traits that are essential in order to succeed in combat.[275] For instance, desensitizing soldiers to the act of killing while, at the same time, developing the discernment to know when killing is appropriate constitutes a significant character modification under any definition. That a soldier's character must change and adapt to the demands of military service is an inescapable fact, independent of whether the approach to ethics education is functional or aspirational.

Functionalists maintain that a separation should be observed between soldiers' professional lives and personal ethical conduct that bears no relation to their professional military duties. However, virtue ethicists maintain that it is difficult to act virtuously in one aspect of one's life while being blatantly unethical in other areas; personal vices seem to inexorably migrate into professional conduct and vice versa. No doubt examples can be found in which officers have maintained their professional ethical standards while, at the same time, conducting themselves unethically in some aspect of their personal lives. However, such a practice epitomizes the concept of the slippery slope, for the process of habituation by which character is built can work in reverse. Repeatedly engaging in unethical behavior can subtly undermine an individual's

---

[275] Infantry, armor (tanks), artillery and special operations forces are military specialties that fall under the description of combat arms. Generally speaking, these soldiers face the toughest combat conditions and the burden of killing most frequently falls upon their shoulders.

ethical resolve, dismantling even the most laboriously built character. For instance, habitually lying or engaging in other deceptive behavior, whether professionally or personally can, over the course of time, make it increasingly easy to lie in other circumstances. At a minimum, such behavior can cause a moral dissonance that is deeply inimical to well-being. Because of this, ethics education should discourage the view of professional and personal conduct as occupying distinctly separate ethical realms.

The moral dissonance referred to above is illustrated by the experience of one of Nancy Sherman's students, a former military intelligence specialist who had been tasked with interrogating suspected terrorist detainees at the notorious Abu Ghraib prison. One of the detainees, a young woman, developed a romantic attachment to him, which he encouraged and then exploited for the purpose of gaining intelligence information. Though he was performing his duty in full accordance with international rules governing the treatment of detainees, the young interrogator felt deeply conflicted about his actions: from his point of view, he was intentionally building an intimate rapport with another individual for the sole purpose of taking advantage of her emotional vulnerability. In the end, he worried about what his actions said about him, as a person, and how his actions would color his ethical judgment in the future.[276]

The interrogator's conflicted feelings may come as a surprise to many of us. When compared with the physical and mental abuses that took place at Abu Ghraib, the interrogator's manipulation of the prisoner's feelings in order to obtain vital information hardly bears mentioning. After all, the relationship between interrogator and prisoner is a battle of wits, where some of the standard rules that normally guide our ethical relations with others, such as

---

[276] Nancy Sherman, *The Untold War* (New York: W.W. Norton & Co., 2010), 114.

refraining from deception, are understood by both parties to be suspended.[277] However, most competent interrogators know that the most effective way to obtain information from a prisoner is through painstakingly building a sense of trust and rapport. As seen from the example above, the use of deception to gain that trust, while at times necessary, can cause an internal ethical discord within a soldier that undermines his well-being. That such a relatively innocuous, yet necessary, deception can undermine one's ethical equilibrium would seem to suggest that more egregious violations of traditional ethical codes can have an even more deleterious impact on a soldier's sense of well-being.

The moral discord that can arise from even relatively minor ethical violations speaks in favor of an aspirational approach to ethics education, which emphasizes that personal and professional ethical conduct are intimately related and where promoting ethical conduct is not merely a means to achieving military efficacy, but as an end in its own right. In the course of their duties, soldiers are expected to commit acts that run counter to humankind's most deeply held moral beliefs. They are routinely placed in situations in which they have to make instantaneous decisions that not only affect their lives and those of their fellow soldiers, but the welfare of noncombatants as well. When their service is done they are discharged into society and often left to fend for themselves in dealing with the physical, emotional and spiritual damage inflicted by their military experiences. Given the moral hazards that soldiers confront, at the risk of their own physical and emotional well-being, the military institution has an obligation to minimize these risks by facilitating the development of positive moral dispositions and the judgment to apply them judiciously, which, as I have argued, is the very definition character.

---

[277] The professional interrogator's license to engage in deception is an example of the partially differentiated role behavior discussed in Chapter Four.

Character development is an unavoidable consequence of military service, not an accidental byproduct of it. Either a soldier's character develops without forethought and guidance, often, in undesirable ways, or military leaders do their utmost to guide the development of a soldier's character in a productive direction. As I have argued throughout this chapter, character development does not end with initial training, but continues throughout a soldier's career. To this end, military commanders at all levels must take an active interest in promoting a command climate that facilitates its development.

The American military expends a great deal of effort developing armor and other measures designed to protect soldiers physically. However, only a resilient character can preserve soldiers' moral well-being and the possession of such a character seldom comes about by accident. Instead, character that will hold up under the stress of military operations must be consciously built, starting with a foundation of strong personal morality, the promotion of which is something that functionalists view as beyond the scope of military ethics education.

5.4 Applying Virtue Theory to Military Ethics Education

The military's system of recruit training is capable of producing startling character transformations. However, it is debatable how deep and lasting these transformations are, or whether the changes observed are only transitory. As discussed in Chapter Four, the results achieved during initial entry training can easily dissipate depending on the moral climate of the soldier's operational unit. Furthermore, critics of ethics education point to an absence of quantitative data that establishes an indisputable connection between ethics education and improvements in moral behavior. It is particularly difficult to devise metrics that are sufficiently fine-grained to distinguish the results achieved by virtue centric methods and those that are more narrowly focused on the teaching of ethical principles.

Despite the lack of conclusive quantitative data, there is broad, qualitative evidence that even rudimentary ethics education exerts a positive influence on moral behavior. This is an assertion that, on reflection, conforms to the personal experience of the average person. For instance, most of us have observed that children who receive little ethical instruction, either at home or school, often display a disturbing disregard for the well-being and the rights of others. The same phenomenon extends to military ethics. Armies that place little emphasis on ethics or ethical instruction generally produce soldiers who exhibit execrable ethical conduct. To establish the veracity of this assertion, it is only necessary to contrast the character of the Allied liberation of Western Europe and Germany with that of the Nazi occupation of Poland and the Soviet Union, or the Japanese occupation of Manchuria and the Philippines. Even the atrocities committed by American soldiers in Afghanistan, while inexcusable, pale in comparison to the scale of atrocities committed against the Afghan people by the Soviet Army. The disparity in ethical conduct between soldiers serving totalitarian regimes and that of their counterparts in Western democracies is largely attributable to a lack of leadership emphasis on ethics and ethical instruction. For example, one high-level defector from the Soviet army has written that, in his experience, the education that Western soldiers receive on the provisions of the Geneva conventions was totally absent in the Soviet Army and, judging by reports of atrocities committed by the Russian army in Chechnya, this has not changed.[278] While such qualitative evidence does not resolve the debate over which method of ethics education is most effective, it does attest to the fact that its absence has a deleterious affect on moral behavior.

For its part, the American military, like the armed forces of most liberal democracies, takes an aspirational approach to ethics education. However, ethics education in the U.S. military is

---

[278] Viktor Suvorov, *SPETSNAZ: The Inside Story of the Soviet Special Forces* (New York: W.W. Norton, 1987), 126-127.

often a mongrelized mix of methods with no clear purpose to unify the many disparate approaches.[279] If a common theme exists, then it would be an emphasis on indoctrination that, sadly, fails to promote the development of character in the Aristotelian sense, in which the development of practical reason and the proper ethical dispositions are paramount. The following section will elaborate on this weakness and suggest that more fully embracing the contributions of virtue theory, in particular placing more emphasis on developing practical reason, would go some way towards correcting this deficiency.

For enlisted soldiers, ethical indoctrination begins in recruit training and focuses on instilling the paradigmatic military traits of obedience, loyalty and courage. Each armed service does its best to ensure that only the most professionally accomplished soldiers are chosen to train recruits and serve as moral exemplars. Drill instructors exert almost total control over their recruits' lives and the recruits' access to outside influences is extremely limited. This is an ideal atmosphere in which to educate soldiers on the importance of the service's core values and the value of ethical behavior, in general. Despite the hardships imposed during recruit training, or most likely because of them, most soldiers find it to be a positive, perspective-altering experience. For many soldiers, recruit training is the first time they have been challenged, physically or mentally, and they derive a sense of pride and accomplishment from the experience, and graduate imbued with an appreciation for the core values of their respective services.

Unfortunately, after soldiers leave basic training, their ethical behavior tends to settle to the ethical level promoted by their operational unit, which is often far below the standards set during

---

[279] Martin L. Cook, "Ethics Education, Ethics Training and Character Development: Who 'Owns' Ethics in the U.S. Air Force Academy?" in *Ethics Education in the Military,* ed. Paul Robinson, Nigel De Lee and Don Carrick (Burlington: Ashgate Publishing, 2008), 58.

recruit training. Part of the challenge in maintaining an ethical operational environment is that ethics education has to compete for time with other training requirements. Many commanders view ethics education as a distraction from more important priorities and approach it as merely one more requirement to be documented in order to satisfy higher headquarters. Sadly, the ethics education most soldiers receive at their operational units makes little, if any, effort to promote skill at moral reasoning or enhance the development of moral dispositions, key attributes that underpin the Aristotelian conception of character. Promoting the exercise of the moral autonomy that accompanies practical reason, while desirable in many ways, also cuts against the grain of thousands of years of military tradition that emphasizes the importance of displaying unquestioning obedience to orders. Encouraging independent thinking also leads to the worry that soldiers will exert this autonomy at inopportune times, jeopardizing military efficacy and endangering lives. In light of these concerns, a general reliance on ethical indoctrination strikes military officials as preferable over the perceived risks of encouraging autonomous moral reasoning.

However, this overemphasis on indoctrination comes at a price, as illustrated by a 2004 study conducted by the U.S. Army Research Institute.[280] The focus of the study was on the development of moral reasoning among forty soldiers attending a nineteen-week course of instruction for military police officers. The study's authors used two methods to collect their data. The quantitative data was derived from the Defining Issues Test (DIT), a written assessment designed to assess how an individual views social cooperation in terms of justice and fairness. The DIT assesses test subjects' level of moral reasoning by reference to where their

---

[280] Gary Riccio et al., *Warrior Ethos: Analysis of the Concept and Initial Development and Applications* (Arlington, Va: U.S. Army Research Institute for the Behavioral and Social Sciences: 2004) as referenced by Kenneth R. Williams in "An Assessment of Moral and Character Education in Initial Entry Training (IET)," *Journal of Military Ethics,* Vol. 9, No. 1, 2010, 41-56.

answers place them on a scale that categorizes their level of moral reasoning as pre-conventional, conventional or post-conventional, categories that were developed by the educational psychologist, Lawrence Kohlberg. Kohlberg classifies "pre-conventional" reasoners as those who base their ethical decisions on whether a particular action will result in praise or punishment. Conventional reasoners, according to Kohlberg, operate at a somewhat more advanced level, grounding their moral reasoning on whether an action complies with, or undermines, social norms. Kohlberg asserts that the most evolved and, therefore, most preferred method of moral reasoning, is post-conventional reasoning, which involves the application of universal ethical principles to moral problems. According to Kohlberg, the ultimate goal of ethics education is to promote a post-conventional level of moral reasoning, the idea being that the post-conventional reasoner will do the right thing regardless of the promise of praise or the threat of censure, and is not motivated purely by a desire to comply with societal norms. This is an important consideration to ethical reasoning as the societal norms themselves may be deeply unethical.

To measure changes in the recruits' approach to ethical reasoning, the DIT was administered twice, once before training started and again after recruits completed the course. Qualitative data were collected by dividing the study participants into four focus groups and regularly engaging them in ethical discussion under the direction of a moderator. The results of the study were disappointing, yet unsurprising. The DIT revealed that there was "no significant change" between the pre-training and post-training scores in all three levels of moral reasoning.[281] Specifically, the study found that the moral reasoning of forty-two percent of the test subjects was done at the conventional level, characterized by a desire to maintain social norms. Pre-

[281] Kenneth R. Williams in "An Assessment of Moral and Character Education in Initial Entry Training (IET)," *Journal of Military Ethics,* Vol. 9, No. 1, 2010, 43.

conventional reasoners, motivated by avoiding punishment and garnering praise, comprised twenty-eight percent of the test subjects. The remaining thirty percent were gauged as having reasoning abilities that placed them in the post-conventional category.[282]

Since it was first published, Kohlberg's educational theory has been steadily eroded by critics who have argued, convincingly, that there is no reason to believe that the application of universal ethical principles necessarily represents the pinnacle of moral reasoning.[283] However, despite its reliance on these questionable categories, the Army study is not without value. Regardless of the validity of Kohlberg's claims, any organization interested in promoting character among its members should seek to develop a level of moral reasoning that transcends the simplistic desire to reap praise and avoid censure. Yet the Army study revealed that almost one-third of the study participants reasoned in this way and that a five month course of ethics instruction had little affect on the development of their reasoning abilities. The subjective discussions that took place among the focus groups were no more encouraging than the quantitative testing, as the soldiers' proposed solutions to moral problems were usually amoral and purely pragmatic.[284]

Somewhat less troubling is the revelation that the moral reasoning of forty-two percent of the study participants was motivated by maintaining social norms, which is not particularly surprising given that the military is an organization in which conformity is prized. However, it still presents a problem in that acting to maintain group norms does not represent moral reasoning so much as it does conformity to social standards. As demonstrated in Chapter Four, a great deal of the unethical behavior that plagues the military arises as a result of soldiers being

---

[282] Ibid., 46.
[283] David Carr. "Virtue, *Akrasia* and Moral Weakness," *Virtue Ethics and Moral Education,* ed. David Carr and Jan Steutel (New York: Routledge, 1999), 143. Also, see Jonathan Dancy's *Ethics without Principles.*
[284] Williams, "An Assessment of Moral and Character Education in Initial Entry Training (IET), 50.

unable to reason independently and exert moral autonomy in the face of social and institutional pressures.[285]

It should be acknowledged that a problem with studies such as the one referenced above is that they may not accurately reflect how the participants would act when actually confronted with an ethical decision. People may respond quite differently when presented with a moral problem in the controlled environment of a research study than they would in a situation in which they are emotionally invested. When confronted with an actual ethical decision, we are influenced by a host of issues, many of which tend to degrade the quality of our moral reasoning, motivating us to act in ways that are egregiously immoral or unethical. However, a troubling feature of the Army study is that the participants were perfectly willing to endorse unethical solutions to moral problems without being subjected to the emotional pressure that often degrades reasoning and contributes to unethical behavior. Considering this, the reasoning exhibited by the study participants might have been more egregiously unethical were they emotionally invested in the ethical problem under discussion.

The Army study does provide empirical validation for something that is well understood among those working in virtue ethics, which is that ethical judgment cannot be developed through a system of education that relies primarily on indoctrination. While some level of indoctrination is an unavoidable, especially in educating soldiers who are new to the military culture, the only way soldiers will internalize the necessary values the military seeks to impart is through discussion that requires them to actively engage in thinking about the associated values

---

[285] An example of this, is the hazing that still occurs, from time to time, as part of the military's operational culture. Soldiers get caught up with committing unethical actions that often accompany hazing out of a desire to belong to the group and the fear of ostracism. This phenomenon is also prevalent in civilian settings where, the expression of moral courage against some societally accepted, but unethical practice, such as racial segregation, is extremely difficult because of the pressure societal opinion brings to bear on those who rebel against its norms and standards.

and how they contribute to living a successful life, both professionally and personally. Unfortunately, the lesson many of the participants in the Army study took away from their training course was that the focus on rules negated the requirement for ethical decision-making.[286] Such an attitude can have tragic consequences, especially given the nature of counterinsurgency warfare, which often requires soldiers to make complex moral judgments in highly fluid situations that no set of ethical rules can adequately cover.

The results of the Army study highlight the importance of another component of Aristotelian virtue ethics, the influence of moral exemplars on ethical behavior. The focus group discussions revealed that the most effective leaders were those whose personal behavior exemplified the service's core values and who consistently held their trainees to the same standard.[287] These leaders developed a positive, motivational relationship with the recruits and used constructive methods of correction devoid of excessive and counterproductive emotions, such as rage and humiliation. Conversely, leaders who constantly belittled recruits or were inconsistent in observing and enforcing ethical standards had a detrimental effect on moral development. This seems to support to the common sense idea that ethical behavior on the part of leadership communicates the standards of acceptable behavior more powerfully than any rule or ethical principle possibly can.

5.5 Ethics Education and the American Officer Corps

Leadership and ethics are inseparable; nothing undermines a military unit's ethical climate more than moral hypocrisy of its officers and NCOs. Officers and senior NCOs are, quite literally, the moral anchors for the soldiers under their command. Analogously, if a military

---

[286] Williams, "An Assessment of Moral and Character Education in Initial Entry Training (IET), 49.
[287] Ibid.

unit's chain of command does not possess moral character that is firmly grounded, the entire unit is cast morally adrift. By embodying the virtues that contribute to achieving the ethical ends of military service, military leaders can communicate the importance of the moral virtues in a way that classroom education, by itself, cannot. For without military leadership setting the ethical tone of the command, the knowledge communicated through formal ethics education is impotent to influence ethical conduct.

Given the influence that leadership exerts over the ethical climate of a military unit, the ethics education of the American officer corps is of central importance. Unfortunately, there is a great deal of inconsistency in the ethics instruction military officers receive, part of which is attributable to the different paths available to attaining commissioned rank in the American armed forces. Cadets attending the service academies receive what is, arguably, the most rigorous ethics education, taking formal courses on ethics and leadership each year of their four year commissioning program as well as swearing an oath to abide by a stringent ethical code that is strictly enforced. Cadets are required to live on post, and under military discipline, during all four years of their educational curriculum, in an environment in which leadership and ethics are constantly emphasized. In contrast, officers commissioned through the Reserve Officer Training Corps (ROTC) live lives that are little different from those of any other college student, and receive an ethics education that is not much more extensive than that provided to enlisted recruits. This inconsistency continues after cadets are commissioned and report to their operational units, where, as I have noted elsewhere, ethics education is very much a sporadic affair. For instance, while attention to ethics increases sharply in the wake of some public scandal, it quickly diminishes as the scandal fades from public memory.

Although the ethics education provided by the service academies is far from perfect, I believe that, insofar that it incorporates the elements of Aristotelian virtue ethics that have formed the basis of this discussion, it contains much that is valuable. In particular, I will argue that applying certain elements of service academy approach across the military, such as the study of ethical theory and ethical case studies, would have a beneficial effect on ethical conduct across the armed forces, particularly in the development of practical reason. Considering this, the following section will focus more narrowly on the approach to ethics education that is prevalent at the service academies with its attendant strengths and weaknesses, and how they contribute and detract from attaining the goal of developing practical reason.

A cadet's first year at a service academy consists of a formidable military indoctrination, during which they are under almost constant supervision, either by the training cadre or senior cadets. This indoctrination is crucial in developing dispositions, such as obedience, loyalty, and respect, as well as the devotion to duty, that are of significant importance to the military profession. While the intensity of this indoctrination diminishes substantially after the initial year, the cadets' free time and access to outside influences remains extremely limited, particularly compared with their civilian peers.

To facilitate the process of character development, the academy assigns professionally accomplished junior officers, all of whom are service academy graduates, to serve as mentors and moral exemplars for the cadets. Most have at least two operational tours behind them and they supplement the cadets' ethical development by providing a practical perspective of how ethics contributes to the military profession. These officers are responsible for the day-to-day leadership of the cadets, ensuring that they adhere to the academy's academic and military standards. The service academies recognize that leadership, and the ethical judgment that is an

integral part of it, cannot be developed through passive methods, and that it requires actual practice. Therefore, as cadets advance through the system, they are assigned leadership responsibilities over other cadets. In much the same way that an experienced physician supervises an intern's practice of medicine, the active duty officers assigned as mentors guide the cadets in their fledgling efforts at leadership.

The approach described above roughly follows an Aristotelian blueprint. Cadets go through an indoctrination period, the intensity of which diminishes, but does not completely abate, as they progress through the academy system. This indoctrination is supervised by experienced military officers who also serve as moral exemplars for the cadets to emulate. However, it is debatable whether this educational approach effectively facilitates the development of practical reason that is a key component of moral character. As one philosopher, who has extensive experience teaching ethics in the service academy environment, notes:

> The aspect of Aristotle that is largely, if not entirely, neglected, however, is the role of *phronesis* (practical wisdom)-the ability to reflect on why the habits being formed and the pains and pleasures the institution uses to regulate behavior do indeed serve important functional requisites of military behavior. The relative absence of attention to this aspect of character can result in cadets' experiencing their military training as an elaborate but apparently arbitrary set of rules.[288]

As the 2004 Army study demonstrated, many soldiers are unable to articulate the rationale behind the ethical rules they are exhorted to follow and, as a result, struggle to make decisions in circumstances that ethical rules do not address. However, the consequences of officers who do not comprehend the rational foundation of the ethical rules and principles that they are sworn to uphold and enforce is even more worrisome. Without understanding the reasons behind the ethical rules, it is impossible for officers to lead effectively or adequately dispense justice.

---

[288] Cook, 58-59.

To their credit, academy officials have recognized this weakness and have sought to remedy it. To this end, the cadets take academic courses devoted to a more formal study of ethics, which includes explication of the foundational components of the military's professional ethic as well as a survey of the major ethical theories, to include discussion of how the principles they espouse influence moral reasoning. As Joseph Miller observes, promoting this type of dialogue is a crucial component of a cadet's moral development:

> A cadet can learn to be a moral officer by emulating other moral officers. But modeling behavior on role models will not necessarily result in soldiers who perform the right action for the right reasons. Without some further dialogue, a cadet will remain unable to distinguish between moral qualities that need to be emulated and idiosyncrasies that stem more from personality types. To guide this dialogue, the service academies employ both professional philosophers to provide a philosophical grounding to the discussions and experienced military officers to provide practical experience to flesh out the philosophical concepts. The devotion of time for ethics discussion and debate represents a significant improvement over the ethics training the average soldier receives.[289]

The purpose of these courses is to extend the impact of ethics education beyond the inherent limitations of indoctrination, and enable cadets to reach a deeper understanding and appreciation for the ends of military service as well as to provide them with the intellectual resources and practical insights to reason effectively about ethical problems. In particular, ethical debate can sharpen cadets' reasoning skills and promote ethical development in ways that more passive methods cannot.

While courses in ethics and moral reasoning are important, they are not a panacea for what ails military ethics education. Part of the problem is the difficulty in overcoming the inherent biases that many students bring to moral reasoning. Australian philosopher, Jamie Cullens, reflects on his experience as a teacher and notes that, despite efforts to develop moral reasoning ability, "Many of the students still struggle with the fact that so many of the issues are not black

---

[289] J. Joseph Miller. "Squaring the Circle: Teaching Philosophical Ethics in the Military" *Journal of Military Ethics* 3(3) (2004), 205.

and white, and there are always a handful who miss the point of the discussion."[290] As an institution, the military has a low tolerance for ambiguity, ethical or otherwise. Because of this, the predisposition to cast moral problems as a matter of absolutes is, if anything, more pronounced among military cadets. Many of the ethical problems that soldiers confront are relatively straightforward and lend themselves to adjudication by the application of rules and principles; however, as a practical endeavor, ethics is too complex to be resolved by formulaic approaches.

The difficulties cited above are exacerbated by a methodological problem in the way ethics courses are often taught, a problem that is partly attributable to the technical demands of military service.[291] American service academies require that most cadets major in technical or scientific disciplines. Even those cadets who choose to major in the humanities must complete a rigorous system of core requirements focused on math, general engineering and science. Considering this background, most military officers instinctively approach moral deliberation from a technical perspective, defining a problem and applying a formulaic process that will produce the correct solution. Unfortunately, a problem arises when this technical approach to problem solving is applied to the teaching of ethics. Cadets often assume that the ethical issue under discussion can easily be solved by identifying the relevant variables, devising a decision matrix or algorithm, and plugging the variables into the algorithm to arrive at a solution.

The most obvious fault with the method described above is that it encourages the erroneous belief that there is exactly one straightforward answer-an 'approved' solution-to every moral

---

[290] Jamie Cullens, "Perspectives of Ethics Education in the Australian Defence Force" in *Ethics Education in the Military,* ed. Paul Robinson, Nigel De Lee and Don Carrick (Burlington: Ashgate Publishing, 2008), 85.
[291] Miller, 207.

problem.[292] This mindset is most clearly illustrated by the way in which many military students perceive and interpret moral theories, particularly those that are organized around some type of fundamental principle, such as utilitarianism or deontology. The tendency among military students is to view these theories as tools in an 'ethics toolbox,' with the role of ethics education being to train students in employing these tools to produce ethical decisions. In the process, the deeper questions that underpin the theories, such as whether happiness is really a primary good that should be maximized in all instances, or whether each and every ethical decision must be "universalizable," are often left unaddressed. However, these are exactly the kinds of questions that need to be discussed in order for cadets to reach a deeper understanding of ethical values and how these values contribute to their well-being. Instead of seeing moral deliberation as a complex process that requires an appreciation for fine distinctions, the lesson cadets often draw from their ethics courses is that moral deliberation can be reduced to the application of formulaic maxims that yield unequivocal results. Misinterpretation of ethical theory, in conjunction with the religious dogmatism and unreflective patriotism that are common within the armed forces, leads many officers to develop a sense of moral certainty that is often impervious to countervailing evidence, leading them to resist considering moral problems from alternative perspectives.

This problem is perhaps best illustrated by the prevailing opinion of American military officers towards the decision to employ nuclear weapons against civilian population of Hiroshima and Nagasaki.[293] Most believe that the bombings were morally justified based on an exceptionally crude application of utilitarian principles. For many military officers, reasoning

---

[292] Ibid.

[293] The author has discussed the targeting of Hiroshima and Nagasaki with nuclear weapons with numerous Navy and Marine Corps officers during his military career and has yet to encounter even one who viewed the decision as anything other than an unambiguous application of utilitarian principle.

from their interpretation of the utilitarian principle of maximizing welfare (the most good for the most people), arriving at an ethical solution is merely a case of mathematical calculation: the death of 225,000 Japanese civilians (a conservative estimate of just those that died in both Hiroshima and Nagasaki) compared with the half a million or more American casualties that would have occurred as the result of an invasion.[294]

The use of utilitarian principles to justify the annihilation of hundreds of thousands of noncombatants is an especially egregious example of the misinterpretation and misapplication of an ethical theory. Military professionals, with their predisposition to focus on decision procedures, often immediately seize upon the quantifiable aspects of an ethical problem, while ignoring the qualitative considerations. It is beyond the scope of this discussion to examine all of the various issues that involved the use of the atomic bomb against Japan; however, some points bear mentioning. First, an often overlooked consideration is that utilitarian theory demands that the value of all lives should be weighed equally; the life of one's close relative is no more important, in the larger scheme of things, than the life of a complete stranger living halfway around the world. Whether we can realistically honor this principle in practice is a separate question; however, it does highlight that an important component of ethical conduct requires us to observe a degree of impartiality in how we treat others, all other things being equal.

Of course, regarding the decision to employ nuclear weapons against the Japanese general population, all conditions were not equal. On one side you had the lives of the Japanese civilians of Hiroshima and Nagasaki, noncombatants who were at least nominally protected by

---

[294] James N. Yamazaki, M.D., Website: Children of the Atomic Bomb: A UCLA Physicians Eyewitness Report and Call to Save the World's Children. Last accessed: March 30, 2014. http://www.aasc.ucla.edu/cab/200708230009.html

the laws of war. On the other side of the scale were American soldiers, whose lives were not worth less, but who took oaths as soldiers and, as soldiers, voluntarily assumed a degree of risk that the Japanese noncombatants did not. In light of this consideration, the fact that the massacre of over two hundred thousand civilians saved the lives of half a million American soldiers does not amount to a moral justification.

Yet another weakness in the justification for the bombing is the assertion that, in the end, it saved the lives of hundreds of thousands, if not millions, of Japanese civilians who would have either committed suicide or taken up arms and died in the defense of the Japanese home islands. However, suicide is an individual decision for which the individual, in most cases, ultimately bears responsibility. Furthermore, once civilians take up arms and engage in direct combat, they no longer warrant noncombatant status. Some may argue that these points amount to academic hairsplitting. However, while subtle, these are important distinctions that form the basis of the modern laws governing armed conflict.

My purpose in addressing these points is not to delve into the contentious issues surrounding America's use of the atomic bomb against Japan and whether it was, or was not, an egregiously immoral act. Instead, it is to draw attention to the moral complexities inherent in such a decision and how the overly simplistic, quantitative perspective with which many military officers habitually approach ethical reasoning fails to capture the variety of considerations that must be taken into account when confronted with an ethical decision, especially one of such magnitude. The example above also illustrates an inherent problem with an exclusively principle-based approach to ethical reasoning. Ethical principles can provide some much needed clarity with regard to how we perceive ethical problems; however, many ethical problems defy resolution by reducing the competing considerations involved to one, or even a handful, of

universal principles. If military officers are to make informed ethical decision, a more flexible and comprehensive approach to moral reasoning is required.

5.6 Promoting the Development of Practical Reason in Military Ethics Education

What sets the service academy approach to ethics education apart from that conducted in operational military units is the attention devoted to developing practical reason, particularly the study of ethical theory and the discussion of case studies. In this section, I will argue that implementing this approach across the military, specifically targeting officers and senior NCOs, could have a beneficial influence on ethical conduct. Admittedly, such an approach to ethics education is time-intensive; however, if the military is serious about addressing its ethical shortcomings, a change is required from the present emphasis on indoctrination.

When thinking about how practical reason can best be developed, the contribution of ethical theory must be addressed. While soldiers generally lack an appreciation for theoretical discussion, a working knowledge of the major ethical theories should be a professional requirement. For instance, civilian critics of the military's ethical policies often frame their objections from within a deontological or utilitarian framework. If military officers are to understand these criticisms, and either rebut them or profit from them depending on the criticisms' merit, they require a solid understanding of the theories that underpin them. Furthermore, as previously noted, knowledge of ethical theory can assist officers in clarifying the competing issues involved in many ethical problems, and arriving at such clarity is crucial to making ethically informed decisions.

However, regardless of the clarity that they can provide, it is difficult to see how a principle-based ethical theory, which attempts to reduce moral reasoning to the application of one or, at most, a handful of universal principles, is sufficient to serve as the foundation for practical

reason. For instance, approaching moral reasoning from the belief in absolute principles lacks the resources to address the conflict that is a consistent feature of ethical reasoning.[295] If two principles address the same case, but offer conflicting guidance, at least one of them must be abandoned. Ethical reasoning based on the application of absolute principles fails to account for this type of conflict.

One way to counter the objection to principle-based reasoning is to view principles as contributory rather than absolute. On this view, there are principles that specify considerations that always count as contributory reasons. A consideration that makes a difference in one case will make the same difference in every case and there is a principle that specifies its regular contribution.[296] However, as will be demonstrated shortly, there is no reason to think that ethical principles, even in their contributory rather than absolute role, can be applied with such consistency or retain their decisive edge even in cases that are remarkably similar.

In contrast to principle-based approaches, the theory of moral particularism conforms well to the Aristotelian approach to ethics for which I have argued throughout this discussion. Like virtue theory, moral particularism holds that ethical judgment consists of applying practical reason to particular cases and an ethical principle, such as the maximization of welfare, that may be a decisive consideration under one set of circumstances, may not be a consideration under different circumstances.

There are different interpretations of moral particularism, the most radical being that there are no defensible moral principles and that moral thought does not consist in the application of

---

[295] Jonathan Dancy, "Moral Particularism," *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N.Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2013/entries/moral-particularism/>

[296] Ibid.

moral principles to particular cases.[297] An explication of particularism, in all its varieties, as well as a defense of the theory against its critics, is beyond the scope of this project. However, I will suggest that a less radical interpretation of particularism, one that concedes the existence of at least some moral principles, and allows that these principles can contribute to moral reasoning, provides a practical perspective upon which to build the type of reasoning about ethical issues that would serve soldiers well in meeting the ethical challenges that they face.

Whereas an adherent to principle-based ethical reasoning demands a consistency in the way in which a consideration functions case by case, particularists view the weight a particular consideration exerts as being influenced by the circumstances in which it is being applied. On this account, "a reason in one case may be no reason at all in another"[298] Therefore, the fact that maximizing welfare is a decisive reason in one instance, does not mean it will be a decisive reason in another. For example, in some circumstances, maximizing welfare may entail too egregious an affront to individual rights, such that it loses its decisive edge. This effect is observed in many "trolley problems," a type of thought experiment first introduced by Philippa Foot. Suppose that I am in a position to divert a runaway trolley and I find myself confronted with the choice of either doing nothing and allowing the trolley to proceed on its present course, where it will kill five people tied to a track, or diverting the trolley to an alternate track where it will kill one person. In such a scenario, the principle of maximizing welfare and diverting the trolley to the track where only one person is tied, has some decisive force.

However, suppose that, rather than merely diverting the trolley to an alternate track, saving the lives of the five requires me to push an overweight bystander in front of the trolley, in which case the bystander is killed but his bulk causes the trolley to stop. In the first case, all I am

---

[297] Ibid.
[298] Ibid.

doing is diverting the train from its present course. Saving the lives of the five does not require that the man tied to the alternate track die; in fact, I would be quite happy if the alternate track was deserted. However, in the latter case, saving the five victims' lives requires that I murder (there is no other word for it) the innocent bystander. In this latter case, the principle of maximizing welfare loses its decisive edge.[299]

In some instances, a reason that is decisive in one case may, depending on circumstances, become a decisive reason on the other side. An example of how this works in more general reasoning would that the fact that a particular object appears to be blue may be a feature that influences me to choose it. However, suppose I have been to the optometrist and have been administered eye drops that cause me to view objects that I normally perceive as blue, as red, then the fact that an object appears blue would be a reason not to choose it.[300] The same method of reasoning applies to moral issues. The fact that a particular statement happens to be a lie is, under most circumstances, a decisive reason not to make it. However, for a military interrogator tasked with obtaining information from a recalcitrant terrorist suspect, the fact that a statement is a lie may be a decisive reason in favor of making it.

Clearly, particularistic reasoning requires an agent who possess mature ethical judgment as well as the moral integrity to honestly assess whether engaging in certain acts normally considered unethical, are at times, permissible. It is for this reason that I do not advocate abandoning principles and codes of ethical conduct, particularly for junior soldiers who, more than likely, do not possess the experience needed to reason at the level particularism seems to require. On the other hand, as soldiers advance in their careers and assume greater

---

[299] It is always unsettling to discover how many people, when presented with this hypothetical scenario, immediately and enthusiastically endorse pushing the bystander in front of the trolley.

[300] Jonathan Dancy, "Moral Particularism," *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N.Zalta (ed.), URL = <http://plato.stanford.edu/archives/fall2013/entries/moral-particularism/

responsibility, they are confronted with more complex ethical problems that do not lend themselves to resolution through the application of principles. Considering this, military ethics education needs to keep pace and promote the development the practical reasoning skills required to resolve these ethical challenges. As they acquire experience, soldiers should hopefully become less reliant on principles and codes of conduct and more able to reason effectively in situations in which the principles and codes that have traditionally guided their behavior conflict or do not appear applicable.

One method by which to facilitate this development in moral reasoning, taking particularistic reasoning about ethics from theory to practice, is through an ethical education that employs the study of casuistry. Unlike more radical interpretations of particularism, which advocate moral reasoning that is unconnected to moral principles, casuistry sees a use for moral principles; however, it not dogmatically wedded to them, nor is it devoted to one particular principle at the expense of others.

5.7 The Contribution of Casuistry in Developing Practical Reason

Casuistry is defined as "that part of ethics which resolves cases of conscience, applying the general rules of religion and morality to particular instances in which circumstances alter cases or in which there appears to be a conflict of duties."[301] In casuistry, the particulars of individual cases, rather than universal principles, ultimately guide moral deliberation. The practice of was widely employed by Catholic clergy to adjudicate moral problems that were not easily resolved by the straightforward application of church doctrine. Casuistry's practice was deeply influenced by Aristotelian virtue ethics and it is no coincidence that Thomas Aquinas, the

---

[301] Albert R. Jonsen and Stephen Toulmin, *The Abuse of Casuistry* (Berkeley: University of California Press, 1988.), 11.

Dominican friar who deserves much of the credit for reviving Aristotle's ethical theory, was himself a casuist and that the practice formed a central part of philosophical reasoning.

The decline of the formal practice of casuistry, when it came, was largely a result of its abuse by unscrupulous church officials who employed it to justify acts that were blatantly immoral, usually on behalf of wealthy and influential benefactors. One critic condemned casuistry by stating that it "destroys by distinctions and exceptions all morality, and effaces the essential difference between right and wrong."[302] Blaise Pascal administered the *coup de grace* with a devastating critique of the practice, after which casuistry was discredited and largely abandoned, particularly by academic philosophers, many of whom, to this day, continue to equate it with sophistry.

Despite its religious roots, casuistry has proven to be of value in addressing ethical problems that confront modern, secular professions. For instance, casuistry is an integral component of medical ethics and the legal profession is heavily reliant on a casuistic reasoning in order to determine how specific cases fit within a network of more general laws. In its modern, secular incarnation, casuistry retains the basic substance and method of argument that that formed the foundation of its practice during the early Renaissance.[303] The casuist generally approaches an ethical problem by reasoning from a set of relatively uncontroversial cases with common features that generate presumptions against which, absent exceptional circumstances, other cases are judged for conformance in order to help the agent develop an ethical solution to the problem at hand. If exceptional circumstances are present, the next task is to analyze what influence they bring to bear on the ethical problem under consideration. Rather than confining ethical reasoning to the practice of considering how a few immutable principles can be applied to an

---

[302] Ibid., 12.
[303] Ibid., 14.

infinite variety of circumstances, casuistry develops the ability to recognize the influence of circumstance, and an appreciation for that fact that sound ethical judgment requires that ethical solutions have to be arrived at on a case-by-case basis. This, in turn, opens up a wider range of possible solutions to the ethical problem in question.

This is not to say that the consideration of ethical principles is entirely abandoned in the practice of casuistry; just that they are not given precedence. The role of principles in moral deliberation is illustrated by the application of casuistical methods to ethical problems in the medical profession:

> Philosophical concepts and principles, are of help in clarifying the manner and terms in which these problems are stated. But in the end the debate will always return to the particular situation of an individual patient with a specific medical condition, and the discernment that is need to reach any wise (or even prudent) decisions in such cases goes beyond the explanatory or clarifying insights of even the best theories-whether scientific insights of molecular biologists or ethical perceptions of moral philosophers.[304]

The insights provided by ethical theories can be useful in cutting through much of the 'white noise' that surrounds moral problems, clarifying the central issues at stake. They can also recast ethical problems in a new light, illuminating solutions that otherwise would have been left unconsidered. However, principles are just one consideration among many when reasoning about a moral problem and a dogmatic allegiance to immutable principles, without an appreciation for circumstances, can cripple ethical thinking or lead to nonsensical conclusions. Casuistic methods are particularly useful in addressing moral problems that arise at the margins of a profession and that defy easy resolution through the application of universal principles and rules. Casuistry requires agents to reason their way to an equitable balance between opposing considerations in ways that are relevant to the details of each particular case.[305]

---

[304] Ibid., 305.
[305] Ibid., 306.

From the perspective of character development, an ethics education that incorporates the study of cases offers some significant benefits. Experience is a requirement for the exercise of sound practical reason; in fact, Aristotle cites the lack of experience that youth bring to the task of moral reasoning as a considerable obstacle. In light of this, the analysis of case studies can be an efficient conduit for disseminating ethical experience within the benign confines of the classroom, where particular cases can be dissected and countervailing perspectives can be aired and discussed. Through comparing and contrasting individual cases, soldiers can better apprehend fundamental ethical distinctions, as well as arrive at an appreciation for how situational factors influence ethical decisions.

It is also possible that the study of cases can, in an indirect way, nurture the development of moral dispositions such as compassion and empathy, without which the virtue of justice is not possible. As discussed in Chapter Two, while our emotional disposition can influence our reason, our reason also has the capacity to influence our emotional dispositions. The discussion of ethical case studies can illuminate the challenges others face, and facilitate the development of empathy, compassion and respect. For instance, study of the particular details of the atomic bomb attack on the Hiroshima and Nagasaki, and its devastating effect on the cities' residents, can foster feelings of compassion for the victims of the bombing and significantly alter one's perception of the morality of the decision in a way that a purely cost-benefit form of analysis may not.

As in medicine and law, military professionals are often faced with ethical decisions that cannot be neatly subsumed under one of the myriad laws of warfare. An ethics education that provides experience in reasoning one's way through a morally complex problem would be immensely helpful and the military profession would benefit from an ethics education that

included developing skill at employing the casuistical method. As noted above, exposure to such methods already occurs on a limited scale in the ethics courses taught at the service academies, where case studies represent the most popular component of the ethics curriculum. Unfortunately, the case study approach is seldom encountered in operational units, where ethics education tends to be haphazard and perfunctory, at best. It is not unreasonable to believe that the wider application of the case study method would enliven and promote ethical discussion, in turn fostering ethical development.

Developing skill at casuistry can be particularly valuable for officers, especially at later stages in their careers. As officers advance and assume more responsibility, the ethical problems they confront become more complex and their decisions entail more serious consequences. Considering this, the amount of time devoted to ethics education, as well as its depth, should increase correspondingly. Restructuring military ethics education to place more emphasis on developing skill at casuistical analysis would promote an appreciation for the different perspectives that should be considered when confronting moral problems while, at the same time, sharpening skill in practical reasoning.

It is unlikely that the approach to ethical education described above, in which casuistry and ethical theory have prominent roles, is entirely appropriate for junior soldiers, who are just becoming familiar with the ethical requirements of military service. However, a study of cases can still be beneficial in explicating the importance of the moral virtues to living a fulfilling life, as well as imparting ethical experience. While most soldiers do not make a career of the armed forces, those who do require a more comprehensive moral education than the indoctrination they currently receive in recruit training, or the perfunctory ethics lectures they receive at their operational units. The American military places a great deal of responsibility on the shoulders

of NCOs and they are charged with making many of the same ethical decisions that more routinely fall on the shoulders of officers. In light of this, establishing a graduated system of ethics education that develops and refines their skill at moral reasoning as their ethical responsibilities increase should be as much a priority for enlisted soldiers as it is for the officer corps.

5.8 Summary

Ethics education, especially that which focuses on developing character, often suffers from unrealistically high expectations, particularly when compared with other military skills soldiers are expected to master. Soldiers can be trained to drive a tank, fire a weapon, and perform a variety of other military skills to a high degree of competence in a relatively short amount of time. The military, and the public it serves, often views character development in much the same way, as though it were as straightforward as teaching a skill. While there are important similarities between the development of virtue and the development of a skill, the analogy can only be stretched so far. An artist or a craftsman can be an unethical person and still turn out a finely crafted product. Conversely, moral character depends upon the harmonious union of virtuous dispositions and practical reason, one is as necessary as the other and, without both, one's character is at best incomplete.

These necessary conditions make character development a challenging process, one that requires soldiers to understand the importance of the moral virtues and character and to actively participate in their own ethical education. This partnership between the educator and student is difficult to achieve and, because of this, character development programs, both within the military and in the civilian community, have an uneven track record, a fact that some critics of character development cite as evidence of failure. However, Aristotle himself was pragmatic

about the odds of developing a virtuous character, asserting that most of us will not actually attain it, at least not in its truest sense. Despite this, we would be misguided to abandon character education. The American football coach, Vince Lombardi, perhaps put it best when he informed his team they were going to devote themselves to the pursuit of perfection, with the full realization that they would never attain it. However, in the process of seeking perfection, they would achieve excellence and, for their purposes, that was enough. So it is with virtue. Perfect virtue can never be attained, but moral excellence is within the reach of all of us and often all it takes is one person with moral character, at the right place and at the right time, to make an enormous difference**.**

Bibliography

Annas, Julia. *Intelligent Virtue.* Oxford: Oxford University Press, 2011.

Annas, Julia. "Virtue Ethics: what kind of naturalism?" *Virtue Ethics Old and New*. Edited by Stephen M. Gardiner. Cornell: Cornell University Press, 1996.

Appiah, Kwame Anthony. *The Honor Code*. New York: W.W. Norton & Co., 2010

Aristotle. *On Rhetoric*. In *The Basic Works of Aristotle*. Translated by Richard McKeon. Random House: New York: Random House, 1941.

Aristotle. *The Nicomachean Ethics.* Translated by David Ross. Oxford: Oxford University Press, 2009.

Aristotle, *Physics*. In *The Basic Works of Aristotle*. Translated by Richard McKeon. New York: Random House, 1941.

Bebeau, Muriel J. and Verna E. Monson. "Guided by Theory, Grounded by Evidence: A Way Forward for Professional Ethics Education." In *The Handbook of Moral and Character Education*, edited by Larry P. Nucci and Darcia Narvaez, New York: Routledge, 2008.

Biddle, Tami. *Rhetoric and Reality in Air Warfare: The Evolution of British and American Ideas about Strategic Bombing, 1914-1945*. Princeton: Princeton University Press, 2002.

Burns, David. *Feeing Good: The New Mood Therapy*. New York: Avon Books, 1980.

Carr, David. "Virtue, Akrasia and Moral Weakness." In *Virtue Ethics and Moral Education,* Edited by. David Carr and Jan Steutel, New York: Routledge, 1999.

Chappell, Timothy. "Bernard Williams," In *The Stanford Encyclopedia of Philosophy* (Winter 2013 Edition), edited by Edward N. Zalta, URL = <http://plato.stanford.edu/archives/win2013/entries/williams-bernard/>.

Christman, John. "Autonomy in Moral and Political Philosophy", *The Stanford Encyclopedia of Philosophy* (Spring 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2011/entries/autonomy-moral/>.

Coleman, Stephen. "Duty and Loyalty." *Journal of Military Ethics* 8 no. 2 (2009): 105-115.

Cook, Martin L. "Ethics Education, Ethics Training and Character Development: Who 'Owns' Ethics in the U.S. Air Force Academy?" In *Ethics Education in the Military*. Edited by Paul Robinson, Nigel De Lee and Don Carrick, Burlington: Ashgate Publishing, 2008: 57-66.

Cooley, C.H. *Human Nature and the Social Order*. Scribner: New York: 1922.

Couch, Dick. *A Tactical Ethic: Moral Conduct in the Insurgent Battle Space*, Annapolis: Naval Institute Press, 2010.

Cullens, Jamie. "What Ought One to Do? Perspectives on Ethics Education in the Australian Defence Force." In *Ethics Education in the Military*. Edited by Paul Robinson, Nigel De Lee and Don Carrick, Burlington: Ashgate Publishing, 2008: 79-91.

Dancy, Jonathan. "Moral Particularism," In *The Stanford Encyclopedia of Philosophy*. (Fall 2013 Edition). Edited by Edward N.Zalta, URL = <http://plato.stanford.edu/archives/fall2013/entries/moral-particularism/>

de Lee, Nigel. "The Case of Colonel Hackworth." *Journal of Military Ethics* 3 no. 1 (2004): 61-67

Doris, John. *Lack of Character.* Cambridge: Cambridge University Press, 2002.

Drea, Edward J. *In The Service of the Emperor.* Lincoln: University of Nebraska Press,1998.

Flanagan, Owen. *Varieties of Moral Personality: Ethics and Psychological Realism*. Cambridge: Harvard University Press, 1991.

Foote Philippa. *Natural Goodness*. Oxford: Clarendon Press, 2001.

Forster, E.M. *Two Cheers for Democracy.* New York: Harcourt, 1951.

French, Shannon E. *The Code of the Warrior: Exploring Warrior Values Past and Present*. Oxford: Rowman & Littlefield, 2003.

Gabriel, Richard. *To Serve With Honor*. Westport: Greenwood Press, 1982.

Gellman, Barton. *Angler: The Cheney Vice Presidency*. New York: Penguin, 2008.

Gray, Glenn. *The Warriors.* New York: Harcourt, Brace, 1959.

Grossman, Dave. *On Killing*. New York: Little, Brown and Company, 1995.

Grossman, Dave. *On Combat.* Human Factor Research Group, 2004.

Hartle, Anthony. *Moral Issues in Military Decision Making*. Lawrence: University of Kansas Press, 1989.

Holmes, Richard. *Acts of War: The Behavior of Men in Battle*. New York: Simon and Schuster: 1985.

Hoover, Jennifer. "Keeping the Faith: American Prisoners of War in Korea, Vietnam, and the Evolution of the Code of Conduct." PhD. Diss., Texas Tech University, 2009.

Hume, David. *A Treatise on Human Nature*. Edited by L.A. Selby-Bigge. Oxford: Clarendon Press, 1988.

Huntington, Samuel. *The Soldier and the State*. Cambridge: Harvard University Press, 1957.

Hursthouse, Rosalind. *On Virtue Ethics*. Oxford: Oxford University Press, 1999.

Jackson, John Hampden. *Clemenceau and the Third Republic.* New York: Collier, 1962.

Johnson, Kermit. "Ethical Issues of Military Leadership." *Parameters* 4 no. 2 (1974): 35-39.

Jollimore, Troy. *On Loyalty.* New York: Routledge, 2013.

Jones, Mitchell. "Loyalty in the Military: Some Preliminary Reflections" *Criminal Justice Ethics*, 29 no. 3 (2010): 291-305.

Jonsen, Albert R. and Stephen Toulmin. *The Abuse of Casuistry.* Berkeley: University of California Press, 1988.

Kane, Tim. "Who Are the Recruits?" The Demographic Characteristics of U.S. Military Enlistment, 2003-2005." Last modified on October 27, 2006. http://www.heritage.org/research/reports/2006/10/who-are-the-recruits-the-demographic-characteristics-of-us-military-enlistment-2003-2005 Accessed on June 16, 2014.

Kasher, Asa. "Teaching and Training Military Ethics: An Israeli Experience," In *Ethics Education in the Military.* Edited by Paul Robinson, Nigel De Lee and Don Carrick. Burlington: Ashgate Publishing, 2008.

Killgore, William D.S., Desiree B. Killgore, Lisa M. Day, Christopher Li, Gary H. Kamimori, Thomas J. Balkin. "The Effects of 53 Hours of Sleep Deprivation on Moral Judgment," *Sleep* 30 no. 3 (2007): 345-352.

Kohlberg, Lawrence. "From Is to Ought: How to Commit the Naturalistic Fallacy and Get Away with It in the Study of Moral Development" In *Cognitive Development and Psychology*. Edited by T. Mischel. New York: Academic Press: 1971. 151-235.

Kraut, Richard, "Aristotle's Ethics," In *The Stanford Encyclopedia of Philosophy* (Winter 2012 Edition) Edited by Edward N. Zalta, URL = <http://plato.stanford.edu/archives/win2012/entries/aristotle-ethics/>

Kristjansson, Kristjan. "Emulation and the use of role models in moral education," In *Journal of Moral Education*. 35 no. 1 (2006): 37-49.

Levine, Hillel. "Between Social Legitimation and Moral Legitimacy in Military Commitment," In *Legitimacy and Commitment in the Military*. Edited by Thomas Wyatt and Reuven Gal. New York: Greenwood Press, 1990. 9-21.

Lucas, George R. and Captain W. Rick Rubel. *Ethics and the Military Profession*. Boston: Pearson Custom Publishing, 2010.

MacIntyre, Alsitair. *After Virtue*. Notre Dame: University of Notre Dame Press, 1981.

Manchester, William. *American Caesar: Douglas MacArthur 1880-1964.* New York: Bay Back Books,1978.

Marston, John. "Hallmarks of a Profession," *MOS II Training Support Package: Ethics and Professionalism*. 2nd printing. Fort Benjamin Harrison, IN: The Military Professional Ethics Division Training Development Directorate, U.S. Army Soldier Support Center, August 1982.

McCain, John S. "The Code of Conduct and the Vietnam War," April 8, 1974. Individual research project conducted at the National War College. Accessed online on February 5, 2014. http://www.paperlessarchives.com/FreeTitles/TheCodeofConductandtheVietnamWarbyJohnSMcCain.pdf

McKinnon, Christine. *Character, Virtue Theories and the Vices*. Ontario: Broad View Press, 1999.

McMaster, H.R. *Dereliction of Duty: Lyndon Johnson, Robert McNamara, The Joint Chiefs of Staff and The Lies That Led to Vietnam*. New York: HarperCollins: 1997.

Miller, J. Joseph. "Squaring the Circle: Teaching Philosophical Ethics in the Military," *Journal of Military Ethics*. 3 no. 3 (2004): 199-215.

Officer's commissioning letter. Accessed February 5, 2014. http://www.usma.edu/parents/SiteAssets/SitePages/Resources/BarPinningSlide13.pdf

Officer's oath of office. Accessed February 5, 2014. http://www.law.cornell.edu/uscode/text/5/3331

Olsthoorn, Peter. *Ethics and the Military Virtues*. New York: Routledge, 2011.

Olsthoon, Peter. "The Ethics Curriculum at the Netherlands Defence Academy and Some Problems," In *Ethics Education in the Military.* Edited by Paul Robinson, Nigel De Lee and Don Carrick. Burlington: Ashgate Publishing, 2008.

Osiel, Mark. *Obeying Orders*. New Brunswick: Transaction Publishers, 1999.

Overby, Benjamin. "Establishing and Grounding a Professional Military Ethic." PhD. diss., University of North Carolina, Chapel Hill, 1996.

Pryor, Douglas A. *The Fight for the High Ground: The U.S. Army and Interrogation During Operation Iraqi Freedom May 2003-April 2004*. Fort Leavenworth: CGSC Foundation Press, 2009.

Rachels, James. "Naturalism." In *The Blackwell Guide to Ethical Theory*. Edited by Hugh LaFollette. Oxford: Blackwell, 2000.

Rawls, John. *A Theory of Justice.* Cambridge: Belknap Press, 1971.

Riccio, G., Sullivan, R., Klein, G, Salter, M. & Hinnison, H. "Warrior Ethos: Analysis of the Concept and Initial Development and Applications." Arlington, Va: U.S. Army Research Institute for the Behavioral and Social Sciences, 2004.

Ricks, Thomas E. and Ann Scott Tyson. "Troops at Odds with Ethics Standards." *Washington Post,* May 5, 2007. Accessed June 16, 2014. http://www.washingtonpost.com/wp-dyn/content/article/2007/05/04/AR2007050402151.html

Ricks, Thomas E. *The Generals.* New York: Penguin Press, 2012.

Rielly, Robert, "The Inclination for War Crimes," *Military Review: The Professional Journal of the U.S. Army.* May-June 2009: 17-24.

Robbins, Elizabeth. "Alcohol abuse is fueling military sexual assault," *The Washington Post,* June 13, 2013. Accessed June 16, 2014. http://www.washingtonpost.com/opinions/alcohol-abuse-is-fueling-military-sexual-assault/2013/06/13/da2f5ada-d37c-11e2-a73e-826d299ff459_story.html

Rockwood, Lawrence P. *Walking Away From Nuremberg: Just War and the Doctrine of Command Responsibility*. Amherst: University of Massachusetts Press, 2007.

Rorty, Richard. "Justice as Larger Loyalty," *Ethical Perspective*, 4 no. 3 (1997): 139-151.

Rousseau, Jean-Jacques. *Emile or On Education*. Translated by Allan Bloom. New York: Basic Books, 1979.

Shaver, Robert, "Egoism." *The Stanford Encyclopedia of Philosophy* (Winter 2010 Edition). Edited by Edward N. Zalta, URL = <http://plato.stanford.edu/archives/win2010/entries/egoism/>.

Shay, Jonathan. *Achilles in Vietnam: Combat Trauma and the Undoing of Character.* New York: Simon and Schuster, 1994.

Sherman, Nancy. "Character Development and Aristotelian Virtue," In *Virtue Ethics and Moral Education*. Edited by David Carr and Jan Steutel. London: Routledge, 1999.

Sherman, Nancy. *The Fabric of Character: Aristotle's Theory of Virtue*. Oxford: Oxford University Press, 1989.

Sherman, Nancy. *The Untold War*. New York: W.W. Norton, 2010.

Stern, Susan. *Terror in the Name of God: Why Religious Militants Kill*. New York: HarperCollins, 2003.

Stockdale, James. *Courage Under Fire: Testing Epictetus's Doctrines in a Laboratory of Human Behavior*. Stanford University: Hoover Essays No. 6, 1993.

Suvorov, Viktor. *SPETSNAZ: The Inside Story of the Soviet Special Forces*. New York: W.W. Norton, 1987.

Symposium on Ethical Decision Making & Behavior in High Performing Teams: Final Report. June 2-3, 2010.

Tick, Edward. *War and the Soul*. Wheaton: Theosophical Publishing, 2005.

Timberg, Robert. *The Nightingale's Song*. New York: Touchstone, 1995.

Thompson, Hugh. *Moral Courage in Combat: The My Lai Story* (The 2003 William C. Stutt Ethics Lecture sponsored by The Center for the Study of Professional Military Ethics. November 20, 2003)

U.S. Army Core Values website. Last accessed, February 24, 2014. websitehttp://www.army.mil/values/

U.S. Constitution. Accessed February 5, 2014. http://www.archives.gov/exhibits/charters/constitution_transcript.html

Von Zielbauer, Paul. "Marines' Trials in Iraq Killings are Withering" *The New York Times*, July 7, 2006.

Whitlock, Craig. "Military leaders open to power shift in sexual-assault investigations," *The Washington Post*, May 17, 2013.http://www.washingtonpost.com/world/national-security/military-leaders-open-to-power-shift-in-sexual-assault-probes/2013/05/17/e9aed3a6-bf26-11e2-a31d-a41b2414d001_story.html

Williams, Bernard. *Shame and Necessity*. Berkeley: University of California Press, 1993.

Williams, Kenneth R. "An Assessment of Moral Character Education in Initial Entry Training" *Journal of Military Ethics* 9, no. 1 (2010): 41-56.

Wright, Evan. *Generation Kill: Devil Dogs, Iceman, Captain America and the New Face of American War*. New York: Berkley Publishing Group, 2004.

Wolfendale, Jessica. “What is the Point of Teaching Ethics in the Military?” In *Ethics Education in the Military.* Edited by Paul Robinson, Nigel De Lee and Don Carrick. Burlington: Ashgate Publishing, 2008.

Woodruff, Paul. “Respect.” In *The International Encyclopedia of Ethics*, 2013.

Yamazaki, James N. Website: Children of the Atomic Bomb: A UCLA Physicians Eyewitness Report and Call to Save the World’s Children. Accessed March, 30 2014. http://www.aasc.ucla.edu/cab/200708230009.html.

Vita

Lonnie W. Olson was born in Osseo, Wisconsin to Ernest and Evelyn Olson. He holds a Bachelor of Science degree in Political Science from the University of Wisconsin-Madison, a Master of Science in Military Studies from the Marine Corps Command and Staff College, and a Doctorate in Philosophy from the University of Texas at Austin.